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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL  
YEAR ENDING JUNE 30, 2024

Introduced By: Representative Marvin L. Abney

Date Introduced: January 19, 2023

Referred To: House Finance

(Governor)

It is enacted by the General Assembly as follows:

- 1           ARTICLE 1   RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY
- 2   2024
- 3           ARTICLE 2   RELATING TO STATE FUNDS
- 4           ARTICLE 3   RELATING TO GOVERNMENT REFORM AND REORGANIZATION
- 5           ARTICLE 4   RELATING TO TAXES
- 6           ARTICLE 5   RELATING TO ENERGY AND THE ENVIRONMENT
- 7           ARTICLE 6   RELATING TO SMALL BUSINESS
- 8           ARTICLE 7   RELATING TO ECONOMIC DEVELOPMENT
- 9           ARTICLE 8   RELATING TO EDUCATION
- 10          ARTICLE 9   RELATING TO MEDICAL ASSISTANCE
- 11          ARTICLE 10  RELATING TO REPRODUCTIVE HEALTHCARE
- 12          ARTICLE 11  RELATING TO LEASES
- 13          ARTICLE 12  RELATING TO EFFECTIVE DATE

1 **ARTICLE 1**

2 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2024

3 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained in  
4 this act, the following general revenue amounts are hereby appropriated out of any money in the  
5 treasury not otherwise appropriated to be expended during the fiscal year ending June 30, 2024.  
6 The amounts identified for federal funds and restricted receipts shall be made available pursuant to  
7 section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the purposes  
8 and functions hereinafter mentioned, the state controller is hereby authorized and directed to draw  
9 his or her orders upon the general treasurer for the payment of such sums or such portions thereof  
10 as may be required from time to time upon receipt by him or her of properly authenticated vouchers.

11 **Administration**

12 *Central Management*

13	General Revenues	3,599,152
14	Federal Funds	109,029,495
15	Federal Funds - State Fiscal Recovery Fund	
16	Municipal Roads Grant Program	20,000,000
17	Public Health Response Warehouse Support	1,400,000
18	Woonsocket Public Safety Facility	7,000,000
19	Total - Central Management	141,028,647

20 *Legal Services*

21	General Revenues	2,440,410
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22 *Accounts and Control*

23	General Revenues	5,315,642
24	Federal Funds - Capital Projects Fund	
25	CPF Administration	4,828,079
26	Federal Funds - State Fiscal Recovery Fund	
27	Pandemic Recovery Office	6,918,788
28	Restricted Receipts - OPEB Board Administration	197,320
29	Restricted Receipts - Grants Management Administration	2,507,384
30	Total - Accounts and Control	19,767,213

31 *Office of Management and Budget*

32	General Revenues	9,431,527
33	Federal Funds	101,250
34	Restricted Receipts	300,000

1	Other Funds	1,220,255
2	Total - Office of Management and Budget	11,053,032
3	<i>Purchasing</i>	
4	General Revenues	3,868,405
5	Restricted Receipts	446,294
6	Other Funds	612,914
7	Total - Purchasing	4,927,613
8	<i>Human Resources</i>	
9	General Revenues	937,996
10	<i>Personnel Appeal Board</i>	
11	General Revenues	100,881
12	<i>Information Technology</i>	
13	General Revenues	28,221,340
14	Provided that of this general revenue amount, \$27,000,000 shall be transferred to the Large	
15	Systems Initiatives Fund by July 14, 2023.	
16	Restricted Receipts	6,333,491
17	Total - Information Technology	34,554,831
18	<i>Library and Information Services</i>	
19	General Revenues	1,903,636
20	Federal Funds	1,565,679
21	Restricted Receipts	6,990
22	Total - Library and Information Services	3,476,305
23	<i>Planning</i>	
24	General Revenues	1,138,335
25	Federal Funds	3,050
26	Other Funds	
27	Air Quality Modeling	24,000
28	Federal Highway - PL Systems Planning	3,321,572
29	State Transportation Planning Match	385,317
30	FTA - Metro Planning Grant	1,733,742
31	Total-Planning	6,606,016
32	<i>General</i>	
33	General Revenues	
34	Miscellaneous Grants/Payments	130,000

1	Provided that this amount be allocated to City Year for the Whole School Whole Child	
2	Program, which provides individualized support to at-risk students.	
3	Torts and Wrongful Conviction Court Awards	925,000
4	Resource Sharing and State Library Aid	11,475,314
5	Library Construction Aid	2,118,554
6	Defeasance of Existing Debt	35,000,000
7	Federal Funds - Capital Projects Fund	
8	Municipal and Higher Ed Matching Grant Program	23,360,065
9	RIC Student Services Center	30,000,000
10	Restricted Receipts	700,000
11	Other Funds	
12	Rhode Island Capital Plan Funds	
13	Security Measures State Buildings	500,000
14	Energy Efficiency Improvements	1,000,000
15	Cranston Street Armory	2,250,000
16	State House Renovations	6,389,000
17	Zambarano Buildings and Campus	7,245,000
18	Replacement of Fueling Tanks	430,000
19	Environmental Compliance	200,000
20	Big River Management Area	200,000
21	Shepard Building Upgrades	1,500,000
22	RI Convention Center Authority	10,237,500
23	Accessibility - Facility Renovations	1,000,000
24	DoIT Enterprise Operations Center	2,140,000
25	BHDDH MH & Community Facilities - Asset Protection	950,000
26	BHDDH DD & Community Homes - Fire Code	325,000
27	BHDDH DD Regional Facilities - Asset Protection	1,800,000
28	BHDDH Substance Abuse Asset Protection	600,000
29	BHDDH Group Homes	1,350,000
30	Statewide Facility Master Plan	2,200,000
31	Cannon Building	3,725,000
32	Old State House	100,000
33	State Office Building	100,000
34	State Office Reorganization & Relocation	1,650,000

1	William Powers Building	4,750,000
2	Pastore Center Non-Hospital Buildings Asset Protection	10,330,000
3	Washington County Government Center	650,000
4	Chapin Health Laboratory	425,000
5	560 Jefferson Blvd Asset Protection	1,600,000
6	Arrigan Center	125,000
7	Civic Center	6,212,500
8	Pastore Center Building Demolition	1,000,000
9	Veterans Auditorium	100,000
10	Pastore Center Hospital Buildings Asset Protection	4,500,000
11	Pastore Campus Infrastructure	47,850,000
12	Pastore Center Power Plant Rehabilitation	450,000
13	Community Facilities Asset Protection	70,000
14	Zambarano LTAC Hospital	6,569,677
15	Medical Examiners New Facility	300,000
16	Group Home Replacement & Rehabilitation	5,000,000
17	Total - General	239,532,610
18	<i>Debt Service Payments</i>	
19	General Revenues	182,821,772
20	Out of the general revenue appropriations for debt service, the General Treasurer is	
21	authorized to make payments for the I-195 Redevelopment District Commission loan up to the	
22	maximum debt service due in accordance with the loan agreement.	
23	<i>Other Funds</i>	
24	Transportation Debt Service	35,226,154
25	Investment Receipts - Bond Funds	100,000
26	Total - Debt Service Payments	218,147,926
27	<i>Energy Resources</i>	
28	Federal Funds	1,628,101
29	Federal Funds - State Fiscal Recovery Fund	
30	Electric Heat Pump Grant Program	20,000,000
31	Restricted Receipts	22,075,007
32	Total - Energy Resources	43,703,108
33	<i>Rhode Island Health Benefits Exchange</i>	
34	General Revenues	3,484,018

1	Federal Funds	9,733,677
2	Federal Funds - State Fiscal Recovery Fund	
3	Auto-Enrollment Program	1,325,358
4	Restricted Receipts	16,053,600
5	Total - Rhode Island Health Benefits Exchange	30,596,653
6	<i>Division of Diversity, Equity &amp; Inclusion</i>	
7	General Revenues	1,898,258
8	Other Funds	109,062
9	Total - Division of Diversity, Equity & Inclusion	2,007,320
10	<i>Capital Asset Management and Maintenance</i>	
11	General Revenues	12,161,961
12	Grand Total - Administration	771,042,522
13	<b>Business Regulation</b>	
14	<i>Central Management</i>	
15	General Revenues	4,609,968
16	<i>Banking Regulation</i>	
17	General Revenues	1,801,125
18	Restricted Receipts	63,000
19	Total - Banking Regulation	1,864,125
20	<i>Securities Regulation</i>	
21	General Revenues	865,851
22	Restricted Receipts	15,000
23	Total - Securities Regulation	880,851
24	<i>Insurance Regulation</i>	
25	General Revenues	4,669,856
26	Restricted Receipts	1,883,195
27	Total - Insurance Regulation	6,553,051
28	<i>Office of the Health Insurance Commissioner</i>	
29	General Revenues	2,933,710
30	Federal Funds	322,958
31	Restricted Receipts	522,210
32	Total - Office of the Health Insurance Commissioner	3,778,878
33	<i>Board of Accountancy</i>	
34	General Revenues	5,490

1	<i>Commercial Licensing and Gaming and Athletics Licensing</i>	
2	General Revenues	1,194,966
3	Restricted Receipts	888,870
4	Total - Commercial Licensing and Gaming and Athletics Licensing	2,083,836
5	<i>Building, Design and Fire Professionals</i>	
6	General Revenues	8,290,502
7	Federal Funds	318,545
8	Restricted Receipts	2,033,537
9	Other Funds	
10	Quonset Development Corporation	71,915
11	Rhode Island Capital Plan Funds	
12	Fire Academy Expansion	5,715,000
13	Total - Building, Design and Fire Professionals	16,429,499
14	<i>Office of Cannabis Regulation</i>	
15	General Revenues	1,556,744
16	Restricted Receipts	4,560,461
17	Total - Office of Cannabis Regulation	6,117,205
18	Grand Total - Business Regulation	42,322,903
19	<b>Executive Office of Commerce</b>	
20	<i>Central Management</i>	
21	General Revenues	2,249,368
22	<i>Quasi-Public Appropriations</i>	
23	General Revenues	
24	Rhode Island Commerce Corporation	8,290,488
25	Airport Impact Aid	1,010,036
26	Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be	
27	distributed to each airport serving more than 1,000,000 passengers based upon its percentage of the	
28	total passengers served by all airports serving more than 1,000,000 passengers. Forty percent (40%)	
29	of the first \$1,000,000 shall be distributed based on the share of landings during calendar year 2022	
30	at North Central Airport, Newport-Middletown Airport, Block Island Airport, Quonset Airport,	
31	T.F. Green Airport and Westerly Airport, respectively. The Rhode Island Commerce Corporation	
32	shall make an impact payment to the towns or cities in which the airport is located based on this	
33	calculation. Each community upon which any part of the above airports is located shall receive at	
34	least \$25,000.	

1	STAC Research Alliance	900,000
2	Innovative Matching Grants/Internships	1,000,000
3	I-195 Redevelopment District Commission	1,245,050
4	Polaris Manufacturing Grant	450,000
5	East Providence Waterfront Commission	50,000
6	Urban Ventures	140,000
7	Chafee Center at Bryant	476,200
8	Federal Funds - State Fiscal Recovery Fund	
9	Port of Davisville	54,000,000
10	Other Funds	
11	Rhode Island Capital Plan Funds	
12	I-195 Redevelopment District Commission	700,000
13	Total - Quasi-Public Appropriations	68,261,774
14	<i>Economic Development Initiatives Fund</i>	
15	General Revenues	
16	Innovation Initiative	2,000,000
17	Rebuild RI Tax Credit Fund	26,360,000
18	Small Business Promotion	1,000,000
19	Small Business Assistance	3,250,000
20	I-195 Redevelopment Fund	2,000,000
21	First Wave Closing Fund	20,000,000
22	Federal Funds	20,000,000
23	Federal Funds - State Fiscal Recovery Fund	
24	Destination Marketing	1,500,000
25	Total - Economic Development Initiatives Fund	76,110,000
26	<i>Commerce Programs</i>	
27	General Revenues	
28	Wavemaker Fellowship	4,000,000
29	Air Service Development Fund	2,250,000
30	Main Streets Revitalization	1,000,000
31	Federal Funds - State Fiscal Recovery Fund	
32	Minority Business Accelerator	4,000,000
33	Bioscience Investments	45,000,000
34	South Quay Marine Terminal	48,000,000

1	Small Business Assistance	5,000,000
2	Federal Funds - Capital Projects Fund	
3	Broadband	9,573,500
4	Total - Commerce Programs	118,823,500
5	Grand Total - Executive Office of Commerce	265,444,642
6	<b>Department of Housing</b>	
7	<i>Central Management</i>	
8	General Revenues	4,997,895
9	Federal Funds	15,493,898
10	Federal Funds - State Fiscal Recovery Fund	
11	OHCD Predevelopment and Capacity Fund	500,000
12	Development of Affordable Housing	55,000,000
13	Homelessness Assistance Program	13,000,000
14	Site Acquisition	10,000,000
15	Down Payment Assistance	20,000,000
16	Workforce Housing	8,000,000
17	Affordable Housing Predevelopment Program	7,500,000
18	Home Repair and Community Revitalization	10,000,000
19	Homelessness Infrastructure	30,000,000
20	Restricted Receipts	7,664,150
21	Total - Housing and Community Development	182,155,943
22	<b>Labor and Training</b>	
23	<i>Central Management</i>	
24	General Revenues	1,802,264
25	Restricted Receipts	392,553
26	Total - Central Management	2,194,817
27	<i>Workforce Development Services</i>	
28	General Revenues	1,101,472
29	Provided that \$200,000 of this amount is used to support Year Up.	
30	Federal Funds	26,829,345
31	Total - Workforce Development Services	27,930,817
32	<i>Workforce Regulation and Safety</i>	
33	General Revenues	4,542,857
34	<i>Income Support</i>	

1	General Revenues	3,674,652
2	Federal Funds	28,895,030
3	Restricted Receipts	2,425,462
4	Other Funds	
5	Temporary Disability Insurance Fund	262,307,666
6	Employment Security Fund	142,775,000
7	Total - Income Support	440,077,810
8	<i>Injured Workers Services</i>	
9	Restricted Receipts	10,860,358
10	<i>Labor Relations Board</i>	
11	General Revenues	553,932
12	<i>Governor's Workforce Board</i>	
13	General Revenues	6,050,000
14	Provided that \$600,000 of these funds shall be used for enhanced training for direct care	
15	and support services staff to improve resident quality of care and address the changing health care	
16	needs of nursing facility residents due to higher acuity and increased cognitive impairments	
17	pursuant to Rhode Island General Laws, Section 23-17.5-36.	
18	Federal Funds - State Fiscal Recovery Fund	
19	Enhanced Real Jobs	20,000,000
20	Restricted Receipts	17,256,830
21	Total - Governor's Workforce Board	43,306,830
22	Grand Total - Labor and Training	529,467,421
23	<b>Department of Revenue</b>	
24	<i>Director of Revenue</i>	
25	General Revenues	2,348,848
26	<i>Office of Revenue Analysis</i>	
27	General Revenues	983,531
28	<i>Lottery Division</i>	
29	Other Funds	389,849,764
30	<i>Municipal Finance</i>	
31	General Revenues	1,759,431
32	<i>Taxation</i>	
33	General Revenues	34,604,969
34	Restricted Receipts	5,067,295

1	Other Funds	
2	Motor Fuel Tax Evasion	175,000
3	Total - Taxation	39,847,264
4	<i>Registry of Motor Vehicles</i>	
5	General Revenues	31,507,957
6	Federal Funds	599,904
7	Restricted Receipts	3,494,403
8	Total - Registry of Motor Vehicles	35,602,264
9	<i>State Aid</i>	
10	General Revenues	
11	Distressed Communities Relief Fund	12,384,458
12	Payment in Lieu of Tax Exempt Properties	50,180,167
13	Motor Vehicle Excise Tax Payments	234,712,307
14	Property Revaluation Program	906,329
15	Restricted Receipts	995,120
16	Total - State Aid	299,178,381
17	<i>Collections</i>	
18	General Revenues	1,002,552
19	Grand Total - Revenue	770,572,035
20	<b>Legislature</b>	
21	General Revenues	50,998,683
22	Restricted Receipts	2,090,093
23	Grand Total - Legislature	53,088,776
24	<b>Lieutenant Governor</b>	
25	General Revenues	1,411,331
26	<b>Secretary of State</b>	
27	<i>Administration</i>	
28	General Revenues	4,158,917
29	<i>Corporations</i>	
30	General Revenues	2,815,916
31	<i>State Archives</i>	
32	General Revenues	198,351
33	Restricted Receipts	558,028
34	Total - State Archives	756,379

1	<i>Elections and Civics</i>	
2	General Revenues	2,456,107
3	Federal Funds	2,001,207
4	Total - Elections and Civics	4,457,314
5	<i>State Library</i>	
6	General Revenues	854,042
7	Provided that \$125,000 be allocated to support the Rhode Island Historical Society	
8	pursuant to Rhode Island General Law, Section 29-2-1 and \$18,000 be allocated to support the	
9	Newport Historical Society, pursuant to Rhode Island General Law, Section 29-2-2.	
10	<i>Office of Public Information</i>	
11	General Revenues	630,466
12	Receipted Receipts	25,000
13	Total - Office of Public Information	655,466
14	Grand Total - Secretary of State	13,698,034
15	<b>General Treasurer</b>	
16	<i>Treasury</i>	
17	General Revenues	2,873,945
18	Federal Funds	343,876
19	Other Funds	
20	Temporary Disability Insurance Fund	262,277
21	Tuition Savings Program - Administration	432,979
22	Total -Treasury	3,913,077
23	<i>State Retirement System</i>	
24	Restricted Receipts	
25	Admin Expenses - State Retirement System	13,005,657
26	Retirement - Treasury Investment Operations	1,979,142
27	Defined Contribution - Administration	328,028
28	Total - State Retirement System	15,312,827
29	<i>Unclaimed Property</i>	
30	Restricted Receipts	2,604,026
31	<i>Crime Victim Compensation Program</i>	
32	General Revenues	899,553
33	Federal Funds	422,493
34	Restricted Receipts	555,000

1	Total - Crime Victim Compensation Program	1,877,046
2	Grand Total - General Treasurer	23,706,976
3	<b>Board of Elections</b>	
4	General Revenues	3,637,565
5	<b>Rhode Island Ethics Commission</b>	
6	General Revenues	2,097,059
7	<b>Office of Governor</b>	
8	General Revenues	
9	General Revenues	8,256,547
10	Contingency Fund	150,000
11	Grand Total - Office of Governor	8,406,547
12	<b>Commission for Human Rights</b>	
13	General Revenues	1,824,202
14	Federal Funds	359,101
15	Grand Total - Commission for Human Rights	2,183,303
16	<b>Public Utilities Commission</b>	
17	Federal Funds	593,775
18	Restricted Receipts	13,567,525
19	Grand Total - Public Utilities Commission	14,161,300
20	<b>Office of Health and Human Services</b>	
21	<i>Central Management</i>	
22	General Revenues	46,732,194
23	Federal Funds	178,630,783
24	Restricted Receipts	33,192,904
25	Total - Central Management	258,555,881
26	<i>Medical Assistance</i>	
27	General Revenues	
28	Managed Care	435,408,115
29	Hospitals	126,002,758
30	Of the general revenue funding, \$2.5 million shall be provided for Graduate Medical	
31	Education programs of which \$1.0 million is for hospitals designated as a Level I Trauma Center,	
32	\$1.0 million is for hospitals providing Neonatal Intensive Care Unit level of care and \$0.5 million	
33	is for the new residential training program at Landmark Hospital.	
34	Nursing Facilities	161,995,000

1	Home and Community Based Services	57,693,750
2	Other Services	161,855,854
3	Pharmacy	91,876,250
4	Rhody Health	231,513,617
5	Federal Funds	
6	Managed Care	571,357,712
7	Hospitals	239,389,526
8	Nursing Facilities	196,005,000
9	Home and Community Based Services	69,806,250
10	Other Services	831,426,291
11	Pharmacy	23,750
12	Rhody Health	278,130,872
13	Other Programs	32,247,569
14	Restricted Receipts	19,345,306
15	Total - Medical Assistance	3,504,077,620
16	Grand Total - Office of Health and Human Services	3,762,633,501
17	<b>Children, Youth and Families</b>	
18	<i>Central Management</i>	
19	General Revenues	14,968,321
20	The director of the department of children, youth and families shall provide to the speaker	
21	of the house and president of the senate at least every sixty (60) days beginning September 1, 2021,	
22	a report on its progress implementing the accreditation plan filed in accordance with Rhode Island	
23	General Law, Section 42-72-5.3 and any projected changes needed to effectuate that plan. The	
24	report shall, at minimum, provide data regarding recruitment and retention efforts including	
25	attaining and maintaining a diverse workforce, documentation of newly filled and vacated	
26	positions, and progress towards reducing worker caseloads.	
27	Federal Funds	9,881,598
28	Federal Funds - State Fiscal Recovery Fund	
29	Foster Home Lead Abatement & Fire Safety	375,000
30	Total - Central Management	25,224,919
31	<i>Children's Behavioral Health Services</i>	
32	General Revenues	8,818,972
33	Federal Funds	8,663,056
34	Total - Children's Behavioral Health Services	17,482,028

1	<i>Youth Development Services</i>	
2	General Revenues	23,121,308
3	Federal Funds	193,194
4	Restricted Receipts	141,260
5	Other Funds	
6	Rhode Island Capital Plan Funds	
7	Training School Asset Protection	250,000
8	Residential Treatment Facility	15,000,000
9	Total – Youth Development Services	38,705,762
10	<i>Child Welfare</i>	
11	General Revenues	171,324,408
12	Federal Funds	87,739,566
13	Restricted Receipts	1,349,863
14	Total - Child Welfare	260,413,837
15	<i>Higher Education Incentive Grants</i>	
16	General Revenues	194,806
17	Grand Total - Children, Youth and Families	342,021,352
18	<b>Health</b>	
19	<i>Central Management</i>	
20	General Revenues	3,845,945
21	Federal Funds	7,898,826
22	Restricted Receipts	13,831,745
23	Provided that the disbursement of any indirect cost recoveries on federal grants budgeted	
24	in this line item that are derived from grants authorized under The Coronavirus Preparedness and	
25	Response Supplemental Appropriations Act (P.L. 116-123); The Families First Coronavirus	
26	Response Act (P.L. 116-127); The Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-	
27	136); The Paycheck Protection Program and Health Care Enhancement Act (P.L. 116-139); the	
28	Consolidated Appropriations Act, 2021 (P.L. 116-260); and the American Rescue Plan Act of 2021	
29	(P.L. 117-2), are hereby subject to the review and prior approval of the Director of Management	
30	and Budget. No obligation or expenditure of these funds shall take place without such approval.	
31	Total - Central Management	25,576,516
32	<i>Community Health and Equity</i>	
33	General Revenues	658,409
34	Federal Funds	77,758,255

1	Restricted Receipts	43,502,890
2	Total - Community Health and Equity	121,919,554
3	<i>Environmental Health</i>	
4	General Revenues	6,042,901
5	Federal Funds	11,275,046
6	Restricted Receipts	895,252
7	Total - Environmental Health	18,213,199
8	<i>Health Laboratories and Medical Examiner</i>	
9	General Revenues	12,649,344
10	Federal Funds	2,669,840
11	Other Funds	
12	Rhode Island Capital Plan Funds	
13	Health Laboratories & Medical Examiner Equipment	400,000
14	Total - Health Laboratories and Medical Examiner	15,719,184
15	<i>Customer Services</i>	
16	General Revenues	8,109,896
17	Federal Funds	7,407,461
18	Restricted Receipts	4,425,552
19	Total - Customer Services	19,942,909
20	<i>Policy, Information and Communications</i>	
21	General Revenues	982,376
22	Federal Funds	3,578,329
23	Restricted Receipts	882,254
24	Total - Policy, Information and Communications	5,442,959
25	<i>Preparedness, Response, Infectious Disease &amp; Emergency Services</i>	
26	General Revenues	2,153,280
27	Federal Funds	19,698,309
28	Total - Preparedness, Response, Infectious Disease & Emergency	
29	Services	21,851,589
30	<i>COVID-19</i>	
31	Federal Funds	56,123,002
32	Federal Funds - State Fiscal Recovery Fund	
33	COVID-19 Operational Support	34,909,578
34	Grand Total - Health	319,698,490



1	Other Funds	
2	Rhode Island Capital Plan Funds	
3	Blind Vending Facilities	165,000
4	Total - Individual and Family Support	165,848,870
5	<i>Office of Veterans Services</i>	
6	General Revenues	33,918,151
7	Of this amount, \$200,000 is to provide support services through Veterans' organizations	
8	and \$50,000 is to support Operation Stand Down.	
9	Federal Funds	11,944,899
10	Restricted Receipts	1,765,801
11	Other Funds	
12	Rhode Island Capital Plan Funds	
13	Veterans Home Asset Protection	215,505
14	Veterans Memorial Cemetery Asset Protection	750,000
15	Total - Office of Veterans Services	48,594,356
16	<i>Health Care Eligibility</i>	
17	General Revenues	9,798,668
18	Federal Funds	15,903,566
19	Total - Health Care Eligibility	25,702,234
20	<i>Supplemental Security Income Program</i>	
21	General Revenues	17,108,100
22	<i>Rhode Island Works</i>	
23	General Revenues	10,210,974
24	Federal Funds	104,272,735
25	Total - Rhode Island Works	114,483,709
26	<i>Other Programs</i>	
27	General Revenues	1,778,700
28	Of this appropriation, \$90,000 shall be used for hardship contingency payments.	
29	Federal Funds	353,628,267
30	Restricted Receipts	8,000
31	Total - Other Programs	355,414,967
32	<i>Office of Healthy Aging</i>	
33	General Revenues	13,390,800

1           Of this amount, \$325,000 is to provide elder services, including respite, through the  
 2 Diocese of Providence, \$40,000 is for ombudsman services provided by the Alliance for Long Term  
 3 Care in accordance with Rhode Island General Laws, Chapter 42-66.7, \$85,000 is for security for  
 4 housing for the elderly in accordance with Rhode Island General Law, Section 42-66.1-3, and  
 5 \$1,200,000 is for Senior Services Support and \$680,000 is for elderly nutrition, of which \$630,000  
 6 is for Meals on Wheels.

7	Federal Funds	20,634,526
8	Restricted Receipts	61,000
9	Other Funds	
10	Intermodal Surface Transportation Fund	5,467,121
11	Total - Office of Healthy Aging	39,553,447
12	Grand Total - Human Services	794,704,123

13           **Behavioral Healthcare, Developmental Disabilities and Hospitals**

14           *Central Management*

15	General Revenues	2,445,310
16	Federal Funds	734,228
17	Total - Central Management	3,179,538

18           *Hospital and Community System Support*

19	General Revenues	1,260,208
20	Federal Funds	65,739
21	Restricted Receipts	448,659
22	Total - Hospital and Community System Support	1,774,606

23           *Services for the Developmentally Disabled*

24	General Revenues	188,286,360
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25           Provided that of this general revenue funding, \$13,944,922 shall be expended on certain  
 26 community-based department of behavioral healthcare, developmental disabilities and hospitals  
 27 (BHDDH) developmental disability private provider and self-directed consumer direct care service  
 28 worker raises and associated payroll costs as authorized by BHDDH. Any increase for direct  
 29 support staff and residential or other community-based setting must first receive the approval of  
 30 BHDDH.

31	Federal Funds	227,617,571
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32           Provided that of this federal funding, \$16,872,585 shall be expended on certain  
 33 community-based department of behavioral healthcare, developmental disabilities and hospitals  
 34 (BHDDH) developmental disability private provider and self-directed consumer direct care service

1 worker raises and associated payroll costs as authorized by BHDDH. Any increase for direct  
 2 support staff and residential or other community-based setting must first receive the approval of  
 3 BHDDH.

4	Restricted Receipts	1,395,777
5	Other Funds	
6	Rhode Island Capital Plan Funds	
7	DD Residential Support	100,000
8	Total - Services for the Developmentally Disabled	417,399,708
9	<i>Behavioral Healthcare Services</i>	
10	General Revenues	4,308,736
11	Federal Funds	34,025,449
12	Provided that \$250,000 from Social Services Block Grant funds is awarded to The	
13	Providence Center to coordinate with Oasis Wellness and Recovery for its support and services	
14	program offered to individuals with behavioral health issues.	
15	Federal Funds - State Fiscal Recovery Fund	
16	Crisis Intervention Trainings	1,650,000
17	9-8-8 Hotline	1,600,000
18	Restricted Receipts	7,334,361
19	Provided that \$500,000 from the Opioid Stewardship Fund is distributed equally to the	
20	seven Regional Substance Abuse Prevention Task Forces to fund priorities determined by each	
21	Task Force.	
22	Total - Behavioral Healthcare Services	48,918,546
23	<i>Hospital and Community Rehabilitative Services</i>	
24	General Revenues	60,657,511
25	Federal Funds	49,268,415
26	Restricted Receipts	3,150,000
27	Other Funds	
28	Rhode Island Capital Plan Funds	
29	Hospital Equipment	300,000
30	Total - Hospital and Community Rehabilitative Services	113,375,926
31	<i>State of RI Psychiatric Hospital</i>	
32	General Revenue	34,948,359
33	Grand Total - Behavioral Healthcare,	
34	Developmental Disabilities and Hospitals	619,596,683

1	<b>Office of the Child Advocate</b>	
2	General Revenues	1,630,743
3	<b>Commission on the Deaf and Hard of Hearing</b>	
4	General Revenues	764,208
5	Restricted Receipts	104,467
6	Grand Total - Comm. On Deaf and Hard-of-Hearing	868,675
7	<b>Governor's Commission on Disabilities</b>	
8	General Revenues	
9	General Revenues	776,252
10	Livable Home Modification Grant Program	516,699
11	Provided that this will be used for home modification and accessibility enhancements to	
12	construct, retrofit, and/or renovate residences to allow individuals to remain in community settings.	
13	This will be in consultation with the Executive Office of Health and Human Services. All	
14	unexpended or unencumbered balances, at the end of the fiscal year, shall be reappropriated to the	
15	ensuing fiscal year, and made immediately available for the same purpose.	
16	Federal Funds	378,638
17	Restricted Receipts	62,131
18	Grand Total - Governor's Commission on Disabilities	1,733,720
19	<b>Office of the Mental Health Advocate</b>	
20	General Revenues	976,078
21	<b>Elementary and Secondary Education</b>	
22	<i>Administration of the Comprehensive Education Strategy</i>	
23	General Revenues	28,540,632
24	Provided that \$90,000 be allocated to support the hospital school at Hasbro Children's	
25	Hospital pursuant to Rhode Island General Law, Section 16-7-20 and that \$395,000 be allocated to	
26	support child opportunity zones through agreements with the Department of Elementary and	
27	Secondary Education to strengthen education, health and social services for students and their	
28	families as a strategy to accelerate student achievement.	
29	Federal Funds	281,923,148
30	Provided that \$684,000 from the Department's administrative share of Individuals with	
31	Disabilities Education Act funds be allocated to the Paul V. Sherlock Center on Disabilities to	
32	support the Rhode Island Vision Education and Services Program.	
33	Federal Funds – State Fiscal Recovery Fund	
34	Adult Education Providers	3,000,000

1	Out of School Time Education Providers	4,000,000
2	Restricted Receipts	
3	Restricted Receipts	2,381,954
4	HRIC Adult Education Grants	3,500,000
5	Total - Admin. of the Comprehensive Ed. Strategy	323,345,734
6	<i>Davies Career and Technical School</i>	
7	General Revenues	15,892,211
8	Federal Funds	2,069,097
9	Restricted Receipts	4,448,690
10	Other Funds	
11	Rhode Island Capital Plan Funds	
12	Davies School HVAC	50,000
13	Davies School Asset Protection	500,000
14	Davies School Wing Renovation	2,500,000
15	Total - Davies Career and Technical School	25,459,998
16	<i>RI School for the Deaf</i>	
17	General Revenues	8,341,094
18	Federal Funds	312,070
19	Restricted Receipts	619,262
20	Other Funds	
21	School for the Deaf Transformation Grants	59,000
22	Rhode Island Capital Plan Funds	
23	School for the Deaf Asset Protection	331,000
24	Total - RI School for the Deaf	9,662,426
25	<i>Metropolitan Career and Technical School</i>	
26	General Revenues	11,160,738
27	Federal Funds	2,707,864
28	Other Funds	
29	Rhode Island Capital Plan Funds	
30	MET School Asset Protection	2,000,000
31	Total - Metropolitan Career and Technical School	15,868,602
32	<i>Education Aid</i>	
33	General Revenues	1,126,377,610

1            Provided that the criteria for the allocation of early childhood funds shall prioritize  
 2 prekindergarten seats and classrooms for four-year-olds whose family income is at or below one  
 3 hundred eighty-five percent (185%) of federal poverty guidelines and who reside in communities  
 4 with higher concentrations of low performing schools.

5            Provided further that \$8,543,690 shall be allocated pro rata to mitigate any reduction in the  
 6 amount of funds received by any local education agency pursuant to Section 16-7.2-3(a) of the  
 7 Rhode Island General Laws in FY 2024 relative to the amount of funds received by any local  
 8 education agency during FY 2023.

9	Federal Funds	238,550,194
10	Restricted Receipts	36,395,639
11	Other Funds	
12	Permanent School Fund	300,000
13	Total - Education Aid	1,401,623,443
14	<i>Central Falls School District</i>	
15	General Revenues	50,162,617
16	Federal Funds	10,869,398
17	Total - Central Falls School District	61,032,015
18	<i>School Construction Aid</i>	
19	General Revenues	
20	General Revenues	
21	School Housing Aid	103,462,946
22	<i>Teachers' Retirement</i>	
23	General Revenues	132,744,129
24	Grand Total - Elementary and Secondary Education	2,073,199,293

25            **Public Higher Education**

26            *Office of Postsecondary Commissioner*

27	General Revenues	28,102,355
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28            Provided that \$355,000 shall be allocated to the Rhode Island College Crusade pursuant to  
 29 the Rhode Island General Law, Section 16-70-5, \$75,000 shall be allocated to Best Buddies Rhode  
 30 Island to support its programs for children with developmental and intellectual disabilities. It is also  
 31 provided that \$8,568,644 shall be allocated to the Rhode Island Promise Scholarship program,  
 32 \$151,410 shall be used to support Rhode Island's membership in the New England Board of Higher  
 33 Education, and \$2,500,000 shall be allocated to the Fresh Start Scholarship Program at the  
 34 Community College of Rhode Island.

1	Federal Funds	
2	Federal Funds	4,081,833
3	Guaranty Agency Administration	400,000
4	Guaranty Agency Operating Fund - Scholarships & Grants	3,900,000
5	Federal Funds - State Fiscal Recovery Fund	
6	RI Reconnect	8,000,000
7	Restricted Receipts	5,904,272
8	Other Funds	
9	Tuition Savings Program - Dual Enrollment	2,300,000
10	Tuition Savings Program - Scholarships and Grants	895,000
11	Nursing Education Center – Operating	2,894,863
12	Total - Office of Postsecondary Commissioner	56,478,323
13	<i>University of Rhode Island</i>	
14	General Revenues	
15	General Revenues	99,207,527
16	Provided that in order to leverage federal funding and support economic development,	
17	\$700,000 shall be allocated to the Small Business Development Center, \$100,000 shall be allocated	
18	to the Institute for Labor Studies & Research and that \$50,000 shall be allocated to Special	
19	Olympics Rhode Island to support its mission of providing athletic opportunities for individuals	
20	with intellectual and developmental disabilities.	
21	Debt Service	31,813,173
22	RI State Forensics Laboratory	1,618,744
23	Other Funds	
24	University and College Funds	745,170,430
25	Debt - Dining Services	992,421
26	Debt - Education and General	7,633,681
27	Debt - Health Services	119,986
28	Debt - Housing Loan Funds	12,979,112
29	Debt - Memorial Union	425,523
30	Debt - Ryan Center	2,378,224
31	Debt - Parking Authority	819,763
32	URI Restricted Debt Service - Energy Conservation	507,250
33	URI Debt Service - Energy Conservation	1,885,825
34	Rhode Island Capital Plan Funds	

1	Asset Protection	11,494,395
2	Mechanical, Electric, and Plumbing Improvements	13,205,467
3	Fire Protection Academic Buildings	3,081,532
4	Bay Campus	6,000,000
5	Athletics Complex	15,000,000
6	Stormwater Management	256,338
7	Fine Arts Center Renovation	8,000,000
8	Total - University of Rhode Island	962,589,391

9 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or  
10 unencumbered balances as of June 30, 2024 relating to the University of Rhode Island are hereby  
11 reappropriated to fiscal year 2025.

12 *Rhode Island College*

13	General Revenues	
14	General Revenues	65,957,566
15	Debt Service	8,732,729
16	Other Funds	
17	University and College Funds	101,032,657
18	Debt - Education and General	1,579,049
19	Debt - Housing	369,079
20	Debt - Student Center and Dining	155,000
21	Debt - Student Union	208,800
22	Debt - G.O. Debt Service	1,643,056
23	Debt - Energy Conservation	717,975
24	Rhode Island Capital Plan Funds	
25	Asset Protection	5,432,000
26	Infrastructure Modernization	5,275,000
27	Master Plan Phase III	10,000,000
28	Total - Rhode Island College	201,102,911

29 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or  
30 unencumbered balances as of June 30, 2024 relating to Rhode Island College are hereby  
31 reappropriated to fiscal year 2025.

32 *Community College of Rhode Island*

33	General Revenues	
34	General Revenues	58,327,078

1	Debt Service	807,992
2	Restricted Receipts	828,372
3	Other Funds	
4	University and College Funds	98,389,036
5	Rhode Island Capital Plan Funds	
6	Asset Protection	2,653,124
7	Knight Campus Renewal	1,390,000
8	Data, Cabling, and Power Infrastructure	3,300,000
9	Flanagan Campus Renovations	4,500,000
10	CCRI Renovation and Modernization Phase I	9,000,000
11	Total - Community College of RI	179,195,602
12	Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or	
13	unencumbered balances as of June 30, 2024 relating to the Community College of Rhode Island	
14	are hereby reappropriated to fiscal year 2025.	
15	Grand Total - Public Higher Education	1,399,366,227
16	<b>RI State Council on the Arts</b>	
17	General Revenues	
18	Operating Support	1,067,328
19	Grants	1,165,000
20	Provided that \$375,000 be provided to support the operational costs of WaterFire	
21	Providence art installations.	
22	Federal Funds	1,347,593
23	Restricted Receipts	50,000
24	Other Funds	
25	Art for Public Facilities	585,000
26	Grand Total - RI State Council on the Arts	4,214,921
27	<b>RI Atomic Energy Commission</b>	
28	General Revenues	1,158,737
29	Restricted Receipts	25,036
30	Other Funds	
31	URI Sponsored Research	344,971
32	Rhode Island Capital Plan Funds	
33	Asset Protection	50,000
34	Grand Total - RI Atomic Energy Commission	1,578,744

1	<b>RI Historical Preservation and Heritage Commission</b>	
2	General Revenues	1,689,697
3	Provided that \$30,000 support the operational costs of the Fort Adams Trust's restoration	
4	activities and that \$25,000 shall be allocated to Rhode Island Slave History Medallions.	
5	Federal Funds	1,393,147
6	Restricted Receipts	422,800
7	Other Funds	
8	RIDOT Project Review	110,327
9	Grand Total - RI Historical Preservation and Heritage Comm.	3,615,971
10	<b>Attorney General</b>	
11	<i>Criminal</i>	
12	General Revenues	21,038,345
13	Federal Funds	2,909,219
14	Restricted Receipts	577,591
15	Total - Criminal	24,525,155
16	<i>Civil</i>	
17	General Revenues	7,010,429
18	Restricted Receipts	1,523,594
19	Total - Civil	8,534,023
20	<i>Bureau of Criminal Identification</i>	
21	General Revenues	2,145,184
22	Restricted Receipts	1,296,624
23	Total - Bureau of Criminal Identification	3,441,808
24	<i>General</i>	
25	General Revenues	4,668,933
26	Other Funds	
27	Rhode Island Capital Plan Funds	
28	Building Renovations and Repairs	150,000
29	Total - General	4,818,933
30	Grand Total - Attorney General	41,319,919
31	<b>Corrections</b>	
32	<i>Central Management</i>	
33	General Revenues	21,930,514
34	<i>Parole Board</i>	

1	General Revenues	1,382,965
2	<i>Custody and Security</i>	
3	General Revenues	154,008,412
4	Federal Funds	1,413,868
5	Total - Custody and Security	155,422,280
6	<i>Institutional Support</i>	
7	General Revenues	29,168,839
8	Other Funds	
9	Rhode Island Capital Plan Funds	
10	Asset Protection	4,100,000
11	Total - Institutional Support	33,268,839
12	<i>Institutional Based Rehab/Population Management</i>	
13	General Revenues	14,138,479
14	Provided that \$1,050,000 be allocated to Crossroads Rhode Island for sex offender	
15	discharge planning.	
16	The director of the department of corrections shall provide to the speaker of the house and	
17	president of the senate at least every ninety (90) days beginning September 1, 2022, a report on	
18	efforts to modernize the correctional industries program. The report shall, at minimum, provide	
19	data on the past ninety (90) days regarding program participation, changes made in programming	
20	to more closely align with industry needs, new or terminated partnerships with employers,	
21	nonprofits, and advocacy groups, current program expenses and revenues, and the employment	
22	status of all persons on the day of discharge from department care who participated in the	
23	correctional industries program.	
24	Federal Funds	630,449
25	Restricted Receipts	64,600
26	Total - Institutional Based Rehab/Population Mgt.	14,833,528
27	<i>Healthcare Services</i>	
28	General Revenues	29,477,706
29	Restricted Receipts	1,331,585
30	Total - Healthcare Services	30,809,291
31	<i>Community Corrections</i>	
32	General Revenues	20,982,773
33	Federal Funds	175,542
34	Restricted Receipts	36,924

1	Total - Community Corrections	21,195,239
2	Grand Total - Corrections	278,842,656
3	<b>Judiciary</b>	
4	<i>Supreme Court</i>	
5	General Revenues	
6	General Revenues	34,670,879
7	Provided however, that no more than \$1,453,387 in combined total shall be offset to the	
8	Public Defender's Office, the Attorney General's Office, the Department of Corrections, the	
9	Department of Children, Youth and Families, and the Department of Public Safety for square-	
10	footage occupancy costs in public courthouses and further provided that \$230,000 be allocated to	
11	the Rhode Island Coalition Against Domestic Violence for the domestic abuse court advocacy	
12	project pursuant to Rhode Island General Law, Section 12-29-7 and that \$90,000 be allocated to	
13	Rhode Island Legal Services, Inc. to provide housing and eviction defense to indigent individuals.	
14	Defense of Indigents	5,075,432
15	Federal Funds	213,725
16	Restricted Receipts	4,179,552
17	Other Funds	
18	Rhode Island Capital Plan Funds	
19	Garrahy Courtroom Restoration	750,000
20	Judicial Complexes - HVAC	1,000,000
21	Judicial Complexes Asset Protection	2,250,000
22	Judicial Complexes Fan Coil Unit Replacements	500,000
23	Garrahy Courthouse Restoration	1,125,000
24	Total - Supreme Court	49,764,588
25	<i>Judicial Tenure and Discipline</i>	
26	General Revenues	174,733
27	<i>Superior Court</i>	
28	General Revenues	27,552,736
29	Federal Funds	70,028
30	Restricted Receipts	665,000
31	Total - Superior Court	28,287,764
32	<i>Family Court</i>	
33	General Revenues	26,009,022
34	Federal Funds	3,866,908

1	Total - Family Court	29,875,930
2	<i>District Court</i>	
3	General Revenues	16,319,444
4	Federal Funds	821,532
5	Restricted Receipts	60,000
6	Total - District Court	17,200,976
7	<i>Traffic Tribunal</i>	
8	General Revenues	11,185,670
9	<i>Workers' Compensation Court</i>	
10	Restricted Receipts	10,008,315
11	Grand Total - Judiciary	146,497,976
12	<b>Military Staff</b>	
13	General Revenues	3,819,141
14	Federal Funds	65,078,662
15	Restricted Receipts	
16	RI Military Family Relief Fund	55,000
17	Other Funds	
18	Rhode Island Capital Plan Funds	
19	Aviation Readiness Center	1,125,800
20	Asset Protection	975,000
21	Quonset Airport Runway Reconstruction	2,661,750
22	Quonset Air National Guard HQ Facility	3,000,000
23	Counter-Drug Training Facility	2,000,000
24	Grand Total - Military Staff	78,715,353
25	<b>Public Safety</b>	
26	<i>Central Management</i>	
27	General Revenues	1,366,598
28	Federal Funds	11,284,115
29	Federal Funds - State Fiscal Recovery Fund	
30	Support for Survivors of Domestic Violence	7,000,000
31	Restricted Receipts	191,311
32	Total - Central Management	19,842,024
33	<i>E-911 Emergency Telephone System</i>	
34	Restricted Receipts	9,269,543

1	<i>Security Services</i>	
2	General Revenues	30,293,311
3	<i>Municipal Police Training Academy</i>	
4	General Revenues	290,366
5	Federal Funds	399,095
6	Total - Municipal Police Training Academy	689,461
7	<i>State Police</i>	
8	General Revenues	91,562,926
9	Federal Funds	5,474,011
10	Restricted Receipts	889,670
11	Other Funds	
12	Airport Corporation Assistance	150,069
13	Road Construction Reimbursement	3,354,650
14	Weight and Measurement Reimbursement	510,198
15	Rhode Island Capital Plan Funds	
16	DPS Asset Protection	2,053,000
17	Southern Barracks	10,465,719
18	Training Academy Upgrades	1,400,000
19	Statewide Communications System Network	249,754
20	Total - State Police	116,109,997
21	Grand Total - Public Safety	176,204,336
22	<b>Office of Public Defender</b>	
23	General Revenues	15,407,864
24	Federal Funds	100,665
25	Grand Total - Office of Public Defender	15,508,529
26	<b>Emergency Management Agency</b>	
27	General Revenues	5,138,562
28	Federal Funds	38,294,380
29	Restricted Receipts	406,774
30	Other Funds	
31	Rhode Island Capital Plan Funds	
32	RI Statewide Communications Network	1,494,400
33	RI Statewide Communications Network Tower	500,000
34	RI Statewide Communications Infrastructure	1,190,000

1	RI Statewide Communications 700 MHZ Project	2,776,375
2	RI Statewide Communications Warehouse	250,000
3	Grand Total - Emergency Management Agency	50,050,491
4	<b>Environmental Management</b>	
5	<i>Office of the Director</i>	
6	General Revenues	9,177,652
7	Of this general revenue amount, \$50,000 is appropriated to the Conservation Districts and	
8	\$100,000 is appropriated to the Wildlife Rehabilitators Association of Rhode Island for a	
9	veterinarian at the Wildlife Clinic of Rhode Island.	
10	Federal Funds	40,100
11	Restricted Receipts	4,428,201
12	Total - Office of the Director	13,645,953
13	<i>Natural Resources</i>	
14	General Revenues	30,479,788
15	Federal Funds	19,812,255
16	Restricted Receipts	5,573,096
17	Other Funds	
18	DOT Recreational Projects	762,000
19	Blackstone Bike Path Design	1,000,000
20	Rhode Island Capital Plan Funds	
21	Dam Repair	311,500
22	Fort Adams Rehabilitation	300,000
23	Port of Galilee	8,523,702
24	Newport Pier Upgrades	1,000,000
25	Recreation Facility Asset Protection	750,000
26	Recreational Facilities Improvement	3,895,000
27	Natural Resources Office and Visitor's Center	250,000
28	Fish & Wildlife Maintenance Facilities	200,000
29	Marine Infrastructure/Pier Development	650,000
30	Total - Natural Resources	73,507,341
31	<i>Environmental Protection</i>	
32	General Revenues	15,630,165
33	Federal Funds	10,885,928
34	Restricted Receipts	7,770,181

1	Other Funds	
2	Transportation MOU	44,552
3	Total - Environmental Protection	34,330,826
4	Grand Total - Environmental Management	121,484,120
5	<b>Coastal Resources Management Council</b>	
6	General Revenues	3,396,395
7	Federal Funds	2,264,374
8	Restricted Receipts	250,000
9	Grand Total - Coastal Resources Mgmt. Council	5,910,769
10	<b>Transportation</b>	
11	<i>Central Management</i>	
12	Federal Funds	15,010,567
13	Other Funds	
14	Gasoline Tax	8,696,240
15	Total - Central Management	23,706,807
16	<i>Management and Budget</i>	
17	Other Funds	
18	Gasoline Tax	4,210,497
19	<i>Infrastructure Engineering</i>	
20	Federal Funds	424,349,096
21	Restricted Receipts	6,210,256
22	Other Funds	
23	Gasoline Tax	68,752,794
24	Toll Revenue	1,500,000
25	Land Sale Revenue	9,523,299
26	Rhode Island Capital Plan Funds	
27	Highway Improvement Program	145,806,300
28	Bike Path Asset Protection	400,000
29	RIPTA - Land and Buildings	12,627,012
30	RIPTA - URI Mobility Hub	250,000
31	RIPTA – Pawtucket/Central Falls Bus Hub Passenger Facility	1,000,000
32	Total - Infrastructure Engineering	670,418,757
33	<i>Infrastructure Maintenance</i>	
34	Other Funds	

1	Gasoline Tax	21,018,371
2	Rhode Island Highway Maintenance Account	103,954,282
3	Rhode Island Capital Plan Funds	
4	Maintenance Capital Equipment Replacement	1,800,000
5	Maintenance Facilities Improvements	500,000
6	Welcome Center	200,000
7	Salt Storage Facilities	1,080,000
8	Train Station Asset Protection	395,000
9	Total - Infrastructure Maintenance	128,947,653
10	Grand Total - Transportation	827,283,714

11       **Statewide Totals**

12	General Revenues	5,302,778,725
13	Federal Funds	5,526,017,996
14	Restricted Receipts	386,814,952
15	Other Funds	2,535,441,068
16	Statewide Grand Total	13,751,052,741

17               SECTION 2. Each line appearing in Section 1 of this Article shall constitute an  
18       appropriation.

19               SECTION 3. Upon the transfer of any function of a department or agency to another  
20       department or agency, the Governor is hereby authorized by means of executive order to transfer  
21       or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected  
22       thereby; provided, however, in accordance with Rhode Island General Law, Section 42-6-5, when  
23       the duties or administrative functions of government are designated by law to be performed within  
24       a particular department or agency, no transfer of duties or functions and no re-allocation, in whole  
25       or part, or appropriations and full-time equivalent positions to any other department or agency shall  
26       be authorized.

27               SECTION 4. From the appropriation for contingency shall be paid such sums as may be  
28       required at the discretion of the Governor to fund expenditures for which appropriations may not  
29       exist. Such contingency funds may also be used for expenditures in the several departments and  
30       agencies where appropriations are insufficient, or where such requirements are due to unforeseen  
31       conditions or are non-recurring items of an unusual nature. Said appropriations may also be used  
32       for the payment of bills incurred due to emergencies or to any offense against public peace and  
33       property, in accordance with the provisions of Titles 11 and 45 of the General Laws of 1956, as  
34       amended. All expenditures and transfers from this account shall be approved by the Governor.

1           SECTION 5. The general assembly authorizes the state controller to establish the internal  
 2 service accounts shown below, and no other, to finance and account for the operations of state  
 3 agencies that provide services to other agencies, institutions and other governmental units on a cost  
 4 reimbursed basis. The purpose of these accounts is to ensure that certain activities are managed in  
 5 a businesslike manner, promote efficient use of services by making agencies pay the full costs  
 6 associated with providing the services, and allocate the costs of central administrative services  
 7 across all fund types, so that federal and other non-general fund programs share in the costs of  
 8 general government support. The controller is authorized to reimburse these accounts for the cost  
 9 of work or services performed for any other department or agency subject to the following  
 10 expenditure limitations:

11	Account	Expenditure Limit
12	State Assessed Fringe Benefit Internal Service Fund	37,390,672
13	Administration Central Utilities Internal Service Fund	39,364,206
14	State Central Mail Internal Service Fund	8,076,555
15	State Telecommunications Internal Service Fund	3,659,422
16	State Automotive Fleet Internal Service Fund	13,069,648
17	Surplus Property Internal Service Fund	44,789
18	Health Insurance Internal Service Fund	272,732,438
19	Other Post-Employment Benefits Fund	63,858,483
20	Capitol Police Internal Service Fund	1,411,825
21	Corrections Central Distribution Center Internal Service Fund	7,506,586
22	Correctional Industries Internal Service Fund	8,220,004
23	Secretary of State Record Center Internal Service Fund	1,175,426
24	Human Resources Internal Service Fund	17,117,623
25	DCAMM Facilities Internal Service Fund	61,150,543
26	Information Technology Internal Service Fund	56,136,183

27           SECTION 6. Legislative Intent - The General Assembly may provide a written "statement  
 28 of legislative intent" signed by the chairperson of the House Finance Committee and by the  
 29 chairperson of the Senate Finance Committee to show the intended purpose of the appropriations  
 30 contained in Section 1 of this Article. The statement of legislative intent shall be kept on file in the  
 31 House Finance Committee and in the Senate Finance Committee.

32           At least twenty (20) days prior to the issuance of a grant or the release of funds, which  
 33 grant or funds are listed on the legislative letter of intent, all department, agency and corporation  
 34 directors, shall notify in writing the chairperson of the House Finance Committee and the

1 chairperson of the Senate Finance Committee of the approximate date when the funds are to be  
2 released or granted.

3 SECTION 7. Appropriation of Temporary Disability Insurance Funds -- There is hereby  
4 appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all funds  
5 required to be disbursed for the benefit payments from the Temporary Disability Insurance Fund  
6 and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2024.

7 SECTION 8. Appropriation of Employment Security Funds -- There is hereby appropriated  
8 pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to be disbursed  
9 for benefit payments from the Employment Security Fund for the fiscal year ending June 30, 2024.

10 SECTION 9. Appropriation of Lottery Division Funds -- There is hereby appropriated to  
11 the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes of  
12 paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2024.

13 SECTION 10. Appropriation of CollegeBoundSaver Funds - There is hereby appropriated  
14 to the Office of the General Treasurer designated funds received under the CollegeBoundSaver  
15 program for transfer to the Division of Higher Education Assistance within the Office of the  
16 Postsecondary Commissioner to support student financial aid for the fiscal year ending June 30,  
17 2024.

18 SECTION 11. Departments and agencies listed below may not exceed the number of full-  
19 time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do  
20 not include limited period positions or, seasonal or intermittent positions whose scheduled period  
21 of employment does not exceed twenty-six consecutive weeks or whose scheduled hours do not  
22 exceed nine hundred and twenty-five (925) hours, excluding overtime, in a one-year period. Nor  
23 do they include individuals engaged in training, the completion of which is a prerequisite of  
24 employment. Provided, however, that the Governor or designee, Speaker of the House of  
25 Representatives or designee, and the President of the Senate or designee may authorize an  
26 adjustment to any limitation. Prior to the authorization, the State Budget Officer shall make a  
27 detailed written recommendation to the Governor, the Speaker of the House, and the President of  
28 the Senate. A copy of the recommendation and authorization to adjust shall be transmitted to the  
29 chairman of the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor,  
30 and the Senate Fiscal Advisor.

31 State employees whose funding is from non-state general revenue funds that are time  
32 limited shall receive limited term appointment with the term limited to the availability of non-state  
33 general revenue funding source.

34 FY 2024 FTE POSITION AUTHORIZATION

1	Departments and Agencies	Full-Time Equivalent
2	Administration	674.7
3	Provided that no more than 429.5 of the total authorization would be limited to positions	
4	that support internal service fund programs.	
5	Business Regulation	181.0
6	Executive Office of Commerce	5.0
7	Department of Housing	38.0
8	Labor and Training	461.7
9	Revenue	575.5
10	Legislature	298.5
11	Office of the Lieutenant Governor	8.0
12	Office of the Secretary of State	59.0
13	Office of the General Treasurer	89.0
14	Board of Elections	13.0
15	Rhode Island Ethics Commission	12.0
16	Office of the Governor	45.0
17	Commission for Human Rights	15.0
18	Public Utilities Commission	54.0
19	Office of Health and Human Services	225.0
20	Children, Youth and Families	705.5
21	Health	556.4
22	Human Services	773.0
23	Office of Veterans Services	264.0
24	Office of Healthy Aging	31.0
25	Behavioral Healthcare, Developmental Disabilities and Hospitals	1,202.4
26	Office of the Child Advocate	10.0
27	Commission on the Deaf and Hard of Hearing	4.0
28	Governor's Commission on Disabilities	5.0
29	Office of the Mental Health Advocate	6.0
30	Elementary and Secondary Education	147.1
31	School for the Deaf	60.0
32	Davies Career and Technical School	123.0
33	Office of Postsecondary Commissioner	45.0



1 the positive recommendations of the State Budget Officer and the Personnel Administrator and 30  
 2 days after a public hearing.

3 SECTION 12. The amounts reflected in this Article include the appropriation of Rhode  
 4 Island Capital Plan funds for fiscal year 2024 and supersede appropriations provided for FY 2024  
 5 within Section 12 of Article 1 of Chapter 231 of the P.L. of 2022.

6 The following amounts are hereby appropriated out of any money in the State’s Rhode  
 7 Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending  
 8 June 30, 2025, June 30, 2026, June 30, 2027, and June 30, 2028. These amounts supersede  
 9 appropriations provided within Section 12 of Article 1 of Chapter 231 of the P.L. of 2022.

10 For the purposes and functions hereinafter mentioned, the State Controller is hereby  
 11 authorized and directed to draw his or her orders upon the General Treasurer for the payment of  
 12 such sums and such portions thereof as may be required by him or her upon receipt of properly  
 13 authenticated vouchers.

14		FY Ending	FY Ending	FY Ending	FY Ending
15	Project	06/30/2025	06/30/2026	06/30/2027	06/30/2028
16	DOA - 560 Jefferson Boulevard	1,100,000	50,000	50,000	50,000
17	DOA - Accessibility Facility Renovations	1,000,000	1,000,000	1,000,000	1,022,200
18	DOA - Arrigan Center	75,000	200,000	200,000	0
19	DOA - Big River Management Area	300,000	300,000	300,000	300,000
20	DOA - Cannon Building	4,125,000	4,025,000	0	0
21	DOA - Chapin Health Laboratory	350,000	0	0	0
22	DOA - Civic Center	2,100,000	2,300,000	2,300,000	1,850,000
23	DOA - Communities Facilities	70,000	70,000	70,000	75,000
24	DOA - Cranston Street Armory	3,250,000	1,600,000	100,000	100,000
25	DOA - Developmental Disability				
26	Regional Facilities	1,100,000	1,100,000	1,100,000	1,125,000
27	DOA - DoIT Enterprise				
28	Operations Center	2,050,000	1,050,000	50,000	50,000
29	DOA - Energy Efficiency Improvements	1,000,000	1,000,000	1,000,000	1,000,000
30	DOA - Environmental Compliance	200,000	200,000	200,000	200,000
31	DOA - Group Homes Asset Protection	1,350,00	1,350,00	1,350,000	1,380,000
32	DOA - Group Homes Fire Code	325,000	325,000	325,000	333,000
33	DOA - Hospital Reorganization	25,000,000	0	0	0
34	DOA - Medical Examiner’s Office	50,000	50,000	50,000	50,000

1	DOA - Mental Health Community Facilities	950,000	950,000	950,000	975,000
2	DOA - Old State House	100,000	100,000	100,000	100,000
3	DOA - Pastore Building				
4	Demolition	1,000,000	1,000,000	1,000,000	1,000,000
5	DOA - Pastore Center Hospital				
6	Buildings	4,500,000	2,500,000	500,000	500,000
7	DOA - Pastore Center				
8	Non-Hospital Buildings	5,000,000	4,500,000	4,500,000	4,600,000
9	DOA - Pastore Campus Infrastructure	48,950,000	50,050,000	0	0
10	DOA - Pastore Power Plant				
11	Rehabilitation	250,000	250,000	5,250,000	0
12	DOA - Replacement of Fuel Tanks	330,000	100,000	250,000	100,000
13	DOA - RI Convention Center Authority	3,340,500	2,500,000	2,500,000	2,500,000
14	DOA - Shepard Building Upgrades	250,000	0	0	0
15	DOA - Security Measures State Buildings	500,000	500,000	500,000	500,000
16	DOA - State House Renovations	18,529,000	17,379,000	17,379,000	16,000,000
17	DOA - State Office Building	100,000	100,000	100,000	100,000
18	DOA - State Office Reorganization and				
19	Relocation	250,000	250,000	0	0
20	DOA - Statewide Facility Master Plan	200,000	200,000	200,000	200,000
21	DOA - Substance Abuse Group Homes	600,000	600,000	600,000	613,000
22	DOA - Veteran's Auditorium	100,000	100,000	100,000	100,000
23	DOA - Washington County Government				
24	Center	800,000	350,000	350,000	350,000
25	DOA - William Powers Building	2,400,000	2,200,000	2,000,000	2,040,000
26	DOA - Zambarano Buildings and Campus	4,740,000	2,850,000	250,000	1,800,000
27	DOA - Zambarano LTAC Hospital	26,185,740	26,065,740	23,804,439	24,427,656
28	DBR - Fire Academy Expansion	1,940,500	0	0	0
29	EOC - I-195 Redevelopment Commission	700,000	700,000	700,000	700,000
30	DCYF - Residential Treatment Facility	15,000,000	15,000,000	0	0
31	DCYF - Training School Asset Protection	250,000	250,000	250,000	255,000
32	DOH - Health Laboratories and Medical				
33	Examiner Equipment	400,000	400,000	400,000	400,000
34	BHDDH - DD Residential Support	100,000	100,000	100,000	100,000

1	BHDDH - Hospital Equipment	300,000	300,000	300,000	300,000
2	DHS - Blind Vending Facilities	165,000	165,000	165,000	165,000
3	DHS - Veterans' Cemetery Asset Protection	250,000	300,000	250,000	0
4	DHS - Veterans' Home Asset Protection	145,000	100,000	200,000	50,000
5	DHS - Veterans' Home New Construction	260,000	1,050,000	1,025,000	1,025,000
6	ELSEC - Davies Career and Technical				
7	School Asset Protection	500,000	500,000	500,000	511,000
8	ELSEC - Davies Career and Technical				
9	School HVAC	50,000	50,000	50,000	50,000
10	ELSEC - Davies Career and Technical				
11	School Wing Renovation	30,000,000	2,500,000	0	0
12	ELSEC - MET School Asset Protection	2,000,000	250,000	250,000	255,000
13	ELSEC - School for the Deaf	131,000	156,000	156,000	185,000
14	URI - Asset Protection	12,006,225	12,606,536	12,236,863	13,528,074
15	URI - Athletics Complex	15,000,000	13,300,000	0	0
16	URI - Fine Arts Center Renovation	8,000,000	0	0	0
17	URI - Fire Protection Academic Buildings	3,311,666	0	0	0
18	URI - Bay Campus	0	12,500,000	12,500,000	0
19	URI - Stormwater Management	2,221,831	2,221,831	0	0
20	RIC - Asset Protection	5,785,000	5,950,000	6,025,000	6,157,000
21	RIC - Infrastructure Modernization	5,675,000	5,675,000	5,675,000	5,925,000
22	RIC - Master Plan Phase III	5,000,000	0	0	0
23	CCRI - Asset Protection	2,719,452	2,719,452	2,719,452	2,780,000
24	CCRI - Data, Cabling, and				
25	Power Infrastructure	3,700,000	4,650,000	0	0
26	CCRI - Flanagan Campus Renovations	5,000,000	1,500,000	0	0
27	CCRI - Renovation and Modernization	14,000,000	12,000,000	0	0
28	AEC - Atomic Energy Asset Protection	50,000	50,000	50,000	51,000
29	OAG - Building Renovations and Repairs	150,000	2,525,000	1,150,000	900,000
30	DOC - Asset Protection	4,100,000	4,100,000	4,100,000	4,100,000
31	Judiciary - Asset Protection	2,250,000	1,500,000	1,500,000	1,500,000
32	Judiciary - Garrahy Courthouse				
33	Restoration	1,125,000	1,125,000	1,125,000	0
34	Judiciary - HVAC	500,000	500,000	500,000	500,000

1	Judiciary - Fan Coil Unit Replacements	500,000	500,000	750,000	850,000
2	Military Staff – Asset Protection	1,166,500	1,363,205	775,000	792,000
3	Military Staff - Aviation Readiness Center	1,599,115	0	0	0
4	Military Staff - Counter Drug				
5	Training Facility	1,025,560	0	0	0
6	Military Staff - Quonset Airport				
7	Runway Reconstruction	1,098,500	0	0	0
8	EMA - RI Statewide Communications				
9	Network Infrastructure Upgrade	140,000	40,000	15,000	15,000
10	EMA - RI Statewide				
11	Communications Network	1,494,400	1,494,400	1,494,400	1,494,400
12	DPS - Asset Protection	1,271,000	600,000	730,000	511,000
13	DPS - Southern Barracks	10,162,390	0	0	0
14	DPS - RISCOCON Microwave Replacement	249,754	249,754	0	0
15	DPS - Training Academy Upgrades	1,920,000	715,000	150,000	150,000
16	DEM - Dam Repair	3,565,000	2,515,000	1,165,000	1,015,000
17	DEM – Recreation Facility Asset Protection	750,000	750,000	750,000	765,000
18	DEM – Fish & Wildlife Facilities	200,000	200,000	200,000	200,000
19	DEM - Fort Adams Rehabilitation	300,000	300,000	300,000	300,000
20	DEM - Marine Infrastructure and				
21	Pier Development	650,000	0	0	0
22	DEM - Port of Galilee	11,500,000	16,500,000	14,113,820	1,500,000
23	DEM - Natural Resources Offices				
24	and Visitor's Center	2,500,000	2,000,000	0	0
25	DEM - Newport Pier Upgrades	1,000,000	0	0	0
26	DEM - Recreational Facilities				
27	Improvement	5,229,077	2,600,000	3,338,551	3,260,000
28	CRMC - Confined Aquatic Dredged				
29	Material Disposal Cells	20,600,000	0	0	0
30	DOT - Bike Path Asset Protection	400,000	400,000	400,000	400,000
31	DOT - Highway Improvement				
32	Program	133,302,060	27,200,000	27,200,000	27,200,000
33	DOT - Maintenance				
34	Capital Equipment Replacement	1,800,000	1,800,000	1,800,000	1,800,000

1	DOT - Maintenance Facility				
2	Improvements	500,000	859,756	500,000	1,375,000
3	DOT - Salt Storage Facilities	1,150,000	1,150,000	1,150,000	1,500,000
4	DOT - Train Station Asset Protection	475,585	500,000	500,000	500,000
5	DOT - Welcome Center Improvements	150,000	150,000	150,000	150,000
6	DOT - RIPTA Land and Building				
7	Enhancements	500,000	500,000	500,000	500,000

8 SECTION 13. Reappropriation of Funding for Rhode Island Capital Plan Fund Projects.  
9 Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project  
10 appropriations shall be reappropriated in the ensuing fiscal year and made available for the same  
11 purpose. However, any such reappropriations are subject to final approval by the General Assembly  
12 as part of the supplemental appropriations act. Any unexpended funds of less than five hundred  
13 dollars (\$500) shall be reappropriated at the discretion of the State Budget Officer.

14 SECTION 14. For the Fiscal Year ending June 30, 2024, the Rhode Island Housing and  
15 Mortgage Finance Corporation shall provide from its resources such sums as appropriate in support  
16 of the Neighborhood Opportunities Program. The Corporation shall provide a report detailing the  
17 amount of funding provided to this program, as well as information on the number of units of  
18 housing provided as a result to the Director of Administration, the Chair of the Housing Resources  
19 Commission, the Chair of the House Finance Committee, the Chair of the Senate Finance  
20 Committee and the State Budget Officer.

21 SECTION 15. Appropriation of Economic Activity Taxes in accordance with the city of  
22 Pawtucket downtown redevelopment statute -- There is hereby appropriated for the fiscal year  
23 ending June 30, 2024, all State Economic Activity Taxes to be collected pursuant to § 45-33.4-4 of  
24 the Rhode Island General Laws, as amended (including, but not limited to, the amount of tax  
25 revenues certified by the Commerce Corporation in accordance with § 45-33.4-1(13) of the Rhode  
26 Island General Laws), for the purposes of paying debt service on bonds, funding debt service  
27 reserves, paying costs of infrastructure improvements in and around the ballpark district, arts  
28 district, and the growth center district, funding future debt service on bonds, and funding a  
29 redevelopment revolving fund established in accordance with § 45-33-1 of the Rhode Island  
30 General Laws.

31 SECTION 16. The appropriations from federal funds contained in Section 1 shall not be  
32 construed to mean any federal funds or assistance appropriated, authorized, allocated or  
33 apportioned to the State of Rhode Island from the State Fiscal Recovery Fund and Capital Projects  
34 Fund enacted pursuant to the American Rescue Plan Act of 2021, P.L. 117-2 for fiscal year 2024

1 except for those instances specifically designated. Projected out-year expenditures for State Fiscal  
2 Recovery Fund and Capital Projects Fund projects have been consolidated into appropriations for  
3 the fiscal year ending June 30, 2024 to ensure the timely obligation of these funds to comply with  
4 rules promulgated by the U.S. Department of the Treasury.

5 The State Fiscal Recovery Fund and Capital Projects Fund appropriations herein shall be  
6 made in support of the following projects:

7 **Federal Funds - State Fiscal Recovery Fund**

8 **Department of Administration (DOA)**

9 DOA - Electric Heat Pump Grant Program. These funds shall support a grant program  
10 within the office of energy resources to assist homeowners and small-to-mid-size business owners  
11 with the purchase and installation of high-efficiency electric heat pumps, with an emphasis on  
12 families in environmental justice communities, minority-owned businesses, and community  
13 organizations who otherwise cannot afford this technology. The office of energy resources shall  
14 report to the Speaker of the House and Senate President no later than April 1 of each year the results  
15 of this program, including but not limited to, the number of grants issued, amount of each grant and  
16 the average grant amount, and the expected cumulative carbon emissions reductions associated  
17 with heat pumps that received a grant.

18 DOA – Pandemic Recovery Office. These funds shall be allocated to finance the Pandemic  
19 Recovery Office established within the Department of Administration.

20 DOA - Public Health Response Warehouse Support. These funds shall be allocated to the  
21 proper of PPE and other necessary COVID-19 response related supplies.

22 DOA - Auto-Enrollment Program. These funds shall support a program for automatically  
23 enrolling qualified individuals transitioned off Medicaid coverage at the end of the COVID-19  
24 public health emergency into qualified health plans to avoid gaps in coverage, administered by  
25 HealthSource RI.

26 DOA – Municipal Roads Grant Program. These funds shall support a program for the  
27 Rhode Island Infrastructure Bank to distribute grants to municipalities for the construction and  
28 maintenance of roads, sidewalks, and bridges.

29 DOA – Woonsocket Public Safety Facility. These funds shall support building a public  
30 safety facility in Woonsocket that houses fire headquarters, fire stations, emergency management,  
31 dispatch, and police station and headquarters.

32 **Department of Labor and Training (DLT)**

1 DLT - Enhanced Real Jobs. These funds shall support the Real Jobs Rhode Island program  
2 in the development of job partnerships, connecting industry employers adversely impacted by the  
3 pandemic to individuals enrolled in workforce training programs.

4 **Executive Office of Commerce (EOC)**

5 EOC - Destination Marketing. These funds shall be used for destination tourism marketing  
6 in support of airline routes to T.F. Green Airport. The Commerce Corporation is required to supply  
7 equivalent matching funds out of its portion of the state hotel tax.

8 EOC - Minority Business Accelerator. These funds shall support a program to invest  
9 additional resources to enhance the growth of minority business enterprises as defined in chapter  
10 14.1 of title 37. The initiative will support a range of assistance and programming, including  
11 financial and technical assistance, entrepreneurship training, space for programming and co-  
12 working, and assistance accessing low-interest loans. Commerce shall work with minority small  
13 business associations, including the Rhode Island Black Business Association (RIBBA), to advance  
14 this program.

15 EOC - South Quay Marine Terminal. These funds shall support the development of an  
16 integrated and centralized hub of intermodal shipping designed to support the offshore wind  
17 industry along memorial parkway in the East Providence waterfront special development district.  
18 Funds may be used for design and development of the waterfront portion of the terminal into a  
19 marine-industrial facility.

20 EOC - Bioscience Investments. \$45 million shall support a program to invest in the  
21 biosciences industry in Rhode Island. This program will include, but is not limited to, the  
22 development of one or more wet lab incubator spaces in collaboration with industry partners; the  
23 creation of a fund that will support wrap-around services to aid in the commercialization of  
24 technology and business development, growth of the biosciences talent pipeline, and support two  
25 full-time Commerce Corporation staff to implement the biosciences investments initiative.

26 EOC – Small Business Assistance. This project totals \$36,672,000 over multiple fiscal  
27 years, \$5,000,000 of which is appropriated in Section 1 of this article. Of this total project amount,  
28 thirty-two million dollars (\$32,000,000) shall be allocated to a program of financial and technical  
29 assistance to small businesses and COVID-impacted industries as follows: twelve million five  
30 hundred thousand dollars (\$12,500,000) shall be provided as direct payments to businesses for lost  
31 revenue, ten million five hundred thousand dollars (\$10,500,000) shall support technical assistance  
32 for long-term business capacity building, seven million five hundred thousand dollars  
33 (\$7,500,000) shall support public health upgrades, energy efficiency improvements, and outdoor  
34 programming, and one million five hundred thousand dollars (\$1,500,000) shall be allocated to

1 support administration of these programs. To be eligible to receive funds or support under this  
2 program a business must have less than two million dollars (\$2,000,000) in annual gross revenues  
3 and demonstrate a negative impact from the COVID-19 pandemic as determined by the Rhode  
4 Island Commerce Corporation. Under this program, total support in the form of direct payments,  
5 or technical assistance grants shall not exceed ten thousand dollars (\$10,000) per eligible business  
6 through either program. Total support in the form of direct payments, technical assistance, and  
7 grants for public health upgrades, energy efficiency and outdoor programming shall not exceed  
8 thirty thousand dollars (\$30,000) in the aggregate. Provided further that at least twenty percent  
9 (20%) of all funds must be reserved for awards to assist minority business enterprises as defined in  
10 chapter 14.1 of title 37.

11 **Department of Housing**

12 Housing- Development of Affordable Housing. These funds shall expand a program at the  
13 Rhode Island housing and mortgage finance corporation to provide additional investments in the  
14 development of affordable housing units in conjunction with general obligation bond funds and  
15 other sources of available financing according to guidelines approved by the Coordinating  
16 Committee of the Housing Resources Commission. Of this amount, ten million (\$10,000,000) shall  
17 be available to Rhode Island housing and mortgage finance corporation to establish a pilot program  
18 that shall direct funds to support low income public housing through project-based rental assistance  
19 vouchers and financing for pre-development, improvement, and housing production costs. Within  
20 eighteen (18) months, any money available for the pilot that is not yet allocated to viable projects,  
21 or which has been awarded to public housing authorities which are unable to demonstrate  
22 substantial completion of all work within eighteen (18) months of receipt of any such funds, shall  
23 be returned to this program and no longer be included in the pilot. Determination of viability and  
24 substantial completion under the pilot shall be at the sole discretion of the deputy secretary of  
25 commerce for housing.

26 Housing - Site Acquisition. These funds shall be allocated to the Rhode Island housing and  
27 mortgage finance corporation toward the acquisition of properties for redevelopment as affordable  
28 and supportive housing to finance projects that include requirements for deed restrictions not less  
29 than thirty (30) years, and a non-recourse structure.

30 Housing - Down Payment Assistance. Administered by the Rhode Island housing and  
31 mortgage finance corporation, these funds shall be allocated to a program to provide down payment  
32 assistance to eligible first-time home buyers to promote homeownership.

1           Housing - Workforce Housing. These funds shall be allocated to the Rhode Island housing  
2 and mortgage finance corporation to support a program to increase the housing supply for families  
3 earning up to 120 percent of area median income.

4           Housing - Affordable Housing Predevelopment Program. These funds shall be allocated to  
5 the Rhode Island housing mortgage finance corporation to support predevelopment work, for  
6 proposed affordable housing developments to build a pipeline of new projects and build the  
7 capacity of affordable housing developers in the state to expand affordable housing production.

8           Housing - Home Repair and Community Revitalization. These funds shall expand the  
9 acquisition and revitalization program administered by the Rhode Island housing and mortgage  
10 finance corporation to finance the acquisition and redevelopment of blighted properties to increase  
11 the number of commercial and community spaces in disproportionately impacted communities and  
12 or to increase the development of affordable housing. Residential development will serve  
13 households earning no more than 80 percent of area median income. Commercial and community  
14 spaces must serve or meet the needs of residents of a census tract where at least 51 percent of the  
15 residents are low-and moderate-income persons. The program will also support critical home  
16 repairs within the same communities.

17           Housing - Predevelopment and Capacity Building. These funds shall support a program to  
18 increase contract staffing capacity to administer proposed affordable housing projects. These funds  
19 will support research and data analysis, stakeholder engagement, and the expansion of services for  
20 people experiencing homelessness.

21           Housing - Homelessness Assistance Program. These funds shall support a program to  
22 expand housing navigation, behavioral health, and stabilization services to address pandemic-  
23 related homelessness. The program will support both operating subsidies for extremely low-income  
24 housing units and services for people transitioning from homelessness to housing, including  
25 individuals transitioning out of the adult correctional institutions.

26           Housing - Homelessness Infrastructure. These funds shall be used to support a program to  
27 respond to and prevent homelessness, including but not limited to, acquisition or construction of  
28 temporary or permanent shelter and other housing solutions and stabilization programs, of which  
29 ten million (\$10,000,000) shall support Crossroads Rhode Island sponsored housing development-  
30 based and/or housing- based solutions, wrap-around services and administrative costs of  
31 implementation.

32           **Quonset Development Corporation (QDC)**

1 QDC - Port of Davisville. These funds shall be allocated to expand a program developing  
2 port infrastructure and services at the Port of Davisville in Quonset in accordance with the  
3 corporation's master plan.

4 **Department of Children, Youth and Families (DCYF)**

5 DCYF - Foster Home Lead Abatement & Fire Safety. These funds shall be allocated to  
6 provide financial assistance to foster families for lead remediation and fire suppression upgrades.

7 **Department of Health (DOH)**

8 DOH – COVID-19 Operational Support. These funds shall be allocated to continue  
9 COVID- 19 mitigation activities at the department of health and to address the public health impacts  
10 of the pandemic in Rhode Island.

11 **Department of Human Services (DHS)**

12 DHS - Child Care Support. To address the adverse impact the pandemic has had on the  
13 child care sector, the funds allocated to this program will provide retention bonuses for direct care  
14 staff at child care centers and licensed family providers in response to pandemic-related staffing  
15 shortages and start up and technical assistance grants for family child care providers. Retention  
16 bonuses shall be paid monthly or as often as administratively feasible, but not less than quarterly.  
17 The director of the department of human services and the director of the department of children,  
18 youth and families may waive any fees otherwise assessed upon child care provider applicants who  
19 have been awarded the family child care provider incentive grant. The allocation to this program  
20 will also support quality improvements, the creation of a workforce registry and additional funds  
21 for educational opportunities for direct care staff.

22 **Department of Behavioral Healthcare, Developmental Disabilities and Hospitals**  
23 **(BHDDH)**

24 BHDDH - Crisis Intervention Trainings. To respond to the increased volume of mental-  
25 health related calls reported by police departments, these funds shall be allocated to the crisis  
26 intervention training program to provide training every three years for law enforcement as well as  
27 continuing education opportunities.

28 BHDDH - 9-8-8 Hotline. These funds shall be allocated for the creation of a 9-8-8 hotline  
29 to maintain compliance with the National Suicide Hotline Designation Act of 2020 and the Federal  
30 Communications Commission-adopted rules to assure that all citizens receive a consistent level of  
31 9-8-8 and crisis behavioral health services.

32 **Rhode Island Department of Elementary and Secondary Education (ELSEC)**

1 RIDE - Adult Education Providers. These funds shall be directly distributed through the  
2 Office of Adult Education to nonprofit adult education providers to expand access to educational  
3 programs and literary services.

4 RIDE – Out of School Time Education Providers. These funds shall be directly distributed  
5 through the Office of Student, Community and Academic Supports to expand access to educational  
6 programs.

7 **Office of the Postsecondary Commissioner**

8 OPC – RI Reconnect. These funds shall support a program to improve postsecondary  
9 degree and credential attainment among working-age Rhode Islanders. The program will assist  
10 students in addressing barriers to education completion, particularly among communities of color  
11 and lower socio-economic strata.

12 **Department of Public Safety (DPS)**

13 DPS - Support for Survivors of Domestic Violence. These funds shall be allocated to invest  
14 in the nonprofit community to provide additional housing, clinical and mental health services to  
15 victims of domestic violence and sexual assault. This includes increased investments for therapy  
16 and counseling, housing assistance, job training, relocation aid and case management.

17 **Federal Funds - Capital Projects Fund**

18 **Department of Administration (DOA)**

19 DOA - CPF Administration. These funds shall be allocated to the department of  
20 administration to oversee the implementation of the Capital Projects Fund award from the  
21 American Rescue Plan Act.

22 DOA - Municipal and Higher Ed Matching Grant Program. These funds shall be allocated  
23 to a matching fund program for cities and towns that renovate or build a community wellness center  
24 that meets the work, education and health monitoring requirements identified by the U.S.  
25 Department of the Treasury.

26 DOA - RIC Student Services Center. These funds shall support the development of a  
27 centralized hub at Rhode Island College, where students can complete essential tasks.

28 **Executive Office of Commerce (EOC)**

29 EOC - Broadband. These funds shall be allocated to the executive office of commerce to  
30 invest in broadband projects to provide high-speed, reliable internet to all Rhode Islanders. The  
31 secretary of commerce, in partnership with the director of business regulation, will run a series of  
32 requests for proposals for broadband infrastructure projects, providing funds to municipalities,  
33 public housing authorities, business cooperatives and local internet service providers for projects  
34 targeted at those unserved and underserved by the current infrastructure as defined by national

1 telecommunications and information administration standards. This investment shall be used to  
2 augment or provide a match for federal funds for broadband investment made available through the  
3 Infrastructure Investment and Jobs Act. These funds shall be used in accordance with the statewide  
4 broadband strategic plan and may not be obligated nor expended prior to its submission in  
5 accordance with the requirements of the Rhode Island Broadband Development Program set forth  
6 in Chapter 42-162.

7         SECTION 17. Reappropriation of Funding for State Fiscal Recovery Fund and Capital  
8 Projects Fund. Notwithstanding any provision of general law, any unexpended and unencumbered  
9 federal funds from the State Fiscal Recovery Fund and Capital Projects Fund shall be  
10 reappropriated in the ensuing fiscal year and made available for the same purposes. However, any  
11 such reappropriations are subject to final approval by the General Assembly as part of the  
12 supplemental appropriations act.

13         SECTION 18. State Fiscal Recovery Fund and Capital Projects Fund Compliance and  
14 Reporting. The pandemic recovery office shall be established within the department of  
15 administration to oversee all programs financed by the State Fiscal Recovery Fund or Capital  
16 Projects Fund to ensure compliance with the rules, regulations, and other guidance issued by the  
17 U.S. Department of the Treasury in accordance with the provisions of Section 9901, Subsections  
18 602 and 604 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2. The pandemic recovery  
19 office shall be responsible for submission of all reports required by the U.S. Department of the  
20 Treasury for the State Fiscal Recovery Fund and Capital Projects Fund.

21         In consultation with the pandemic recovery office, the budget officer shall establish an  
22 allotment system such that distributions of State Fiscal Recovery Fund and Capital Projects Fund  
23 shall be made contingent upon recipients' compliance with all state and federal rules, regulations,  
24 and guidance.

25         SECTION 19. Notwithstanding any general laws to the contrary, the State Controller shall  
26 transfer \$55,000,000 to the Supplemental State Budget Reserve Account by July 14, 2023.

27         SECTION 20. Notwithstanding any general laws to the contrary, the State Controller shall  
28 transfer \$79,060,000 from the Information Technology Restricted Receipt Account to the Large  
29 Systems Initiatives Fund by July 14, 2023.

30         SECTION 21. This article shall take effect as of July 1, 2023, except as otherwise provided  
31 herein.

1 **ARTICLE 2**

2 **RELATING TO STATE FUNDS**

3 SECTION 1. Section 23-3-25 of the General Laws in Chapter 23-3 entitled "Vital Records"  
4 is hereby amended to read as follows:

5 **23-3-25. Fees for copies and searches.**

6 (a) The state registrar shall charge fees for searches and copies as follows:

7 (1) For a search of two (2) consecutive calendar years under one name and for issuance of  
8 a certified copy of a certificate of birth, fetal death, death, or marriage, or a certification of birth, or  
9 a certification that the record cannot be found, and each duplicate copy of a certificate or  
10 certification issued at the same time, the fee is as set forth in § 23-1-54.

11 (2) For each additional calendar year search, if applied for at the same time or within three  
12 (3) months of the original request and if proof of payment for the basic search is submitted, the fee  
13 is as set forth in § 23-1-54.

14 (3) For providing expedited service, the additional handling fee is as set forth in § 23-1-54.

15 (4) For processing of adoptions, legitimations, or paternity determinations as specified in  
16 §§ 23-3-14 and 23-3-15, there shall be a fee as set forth in § 23-1-54.

17 (5) For making authorized corrections, alterations, and additions, the fee is as set forth in  
18 § 23-1-54; provided, no fee shall be collected for making authorized corrections or alterations and  
19 additions on records filed before one year of the date on which the event recorded has occurred.

20 (6) For examination of documentary proof and the filing of a delayed record, there is a fee  
21 as set forth in § 23-1-54; and there is an additional fee as set forth in § 23-1-54 for the issuance of  
22 a certified copy of a delayed record.

23 (b) Fees collected under this section by the state registrar shall be deposited in the general  
24 fund of this state, according to the procedures established by the state treasurer.

25 (c) The local registrar shall charge fees for searches and copies of records as follows:

26 (1) For a search of two (2) consecutive calendar years under one name and for issuance of  
27 a certified copy of a certificate of birth, fetal death, death, delayed birth, or marriage, or a  
28 certification of birth or a certification that the record cannot be found, the fee is twenty dollars  
29 (\$20.00). For each duplicate copy of a certificate or certification issued at the same time, the fee is  
30 fifteen dollars (\$15.00).

31 (2) For each additional calendar year search, if applied for at the same time or within three  
32 (3) months of the original request and if proof of payment for the basic search is submitted, the fee  
33 is two dollars (\$2.00).

1 (d) Fees collected under this section by the local registrar shall be deposited in the city or  
2 town treasury according to the procedures established by the city or town treasurer except that six  
3 dollars (\$6.00) of the certified copy fees shall be submitted to the state registrar for deposit in the  
4 general fund of this state.

5 (e) To acquire, maintain, and operate an electronic statewide registration system (ESRS),  
6 the state registrar shall assess a surcharge of no more than five dollars (\$5.00) for a mail-in certified  
7 records request, no more than three dollars (\$3.00) for each duplicate certified record, and no more  
8 than two dollars (\$2.00) for a walk-in certified records request or a certified copy of a vital record  
9 requested for a local registrar. Notwithstanding the provisions of subsection (d), any such  
10 surcharges collected by the local registrar shall be submitted to the state registrar. Any funds  
11 collected from the surcharges listed above shall be deposited into the ~~information technology~~  
12 ~~investment fund (ITIF)~~ information technology restricted receipt account (ITRR account)  
13 established pursuant to § 42-11-2.5(a).

14 SECTION 2. Section 31-2-27 of the General Laws in Chapter 31-2 entitled “Division of  
15 Motor Vehicles” is hereby amended to read as follows:

16 **31-2-27. Technology surcharge fee.**

17 (a) The division of motor vehicles shall collect a technology surcharge fee of two dollars  
18 and fifty cents (\$2.50) per transaction for every division of motor vehicles’ fee transaction, except  
19 as otherwise provided by law and provided no surcharge fee is assessed on motor vehicle inspection  
20 transactions conducted pursuant to § 31-38-4. One dollar and fifty cents (\$1.50) of each two dollars  
21 and fifty cents (\$2.50) collected pursuant to this section shall be deposited into the information  
22 technology ~~investment fund~~ restricted receipt account (ITRR account) established pursuant to § 42-  
23 11-2.5(a) and shall be used for project-related payments and/or ongoing maintenance of and  
24 enhancements to the division of motor vehicles’ computer system and to reimburse the information  
25 technology investment fund for advances made to cover project-related payments. The remaining  
26 one dollar (\$1.00) shall be deposited into a restricted-receipt account managed by the division of  
27 motor vehicles and restricted to the project-related payments and/or ongoing maintenance of and  
28 enhancements to the division of motor vehicles’ computer system.

29 (b) [Deleted by P.L. 2019, ch. 88, art. 7, § 1].

30 (c) Beginning July 1, 2022, the full two dollars and fifty cents (\$2.50) shall be deposited  
31 into the division of motor vehicles restricted account and restricted to the project-related payments  
32 and/or ongoing maintenance of and enhancements to the division of motor vehicles’ computer  
33 system.

1 SECTION 3. Chapter 35-3-20 of the General Laws entitled "State Budget" is hereby  
2 amended by adding thereto the following section:

3 **35-3-20.2. Supplemental state budget reserve account.**

4 (a) There is hereby created within the general fund a supplemental state budget reserve  
5 account, which shall be administered by the state controller and which shall be used solely for the  
6 purpose of providing such sums as may be appropriated to fund any unanticipated general revenue  
7 deficit caused by a general revenue shortfall.

8 (b) At any time after the third quarter of a fiscal year that it is indicated that total resources  
9 which are defined to be the aggregate of estimated general revenue, general revenue receivables,  
10 and available free surplus in the general fund will be less than the estimates upon which current  
11 appropriations were based, the general assembly may make appropriations from the supplemental  
12 state budget reserve account for the difference between the estimated total resources and the  
13 original estimates upon which enacted appropriations were based, but only in the amount of the  
14 difference based upon the revenues projected at the latest state revenue estimating conference  
15 pursuant to chapter 16 of this title as reported by the chairperson of that conference.

16 (c) Whenever a transfer has been made pursuant to subsection (b), that transfer shall be  
17 considered as estimated general revenues for the purposes of determining the amount to be  
18 transferred to the Rhode Island Capital Plan fund for the purposes of § 35-3-20.1(b).

19 (d) The supplemental state budget reserve account shall consist of such sums as the state  
20 may from time to time directly transfer to the account as authorized in law.

21 SECTION 4. Section 35-4-27 of the General Laws in Chapter 35-4 entitled "State Funds"  
22 is hereby amended to read as follows:

23 **35-4-27. Indirect cost recoveries on restricted receipt accounts.**

24 Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all  
25 restricted-receipt accounts, to be recorded as general revenues in the general fund. However, there  
26 shall be no transfer from cash receipts with restrictions received exclusively: (1) From contributions  
27 from nonprofit charitable organizations; (2) From the assessment of indirect cost-recovery rates on  
28 federal grant funds; or (3) Through transfers from state agencies to the department of administration  
29 for the payment of debt service. These indirect cost recoveries shall be applied to all accounts,  
30 unless prohibited by federal law or regulation, court order, or court settlement. The following  
31 restricted receipt accounts shall not be subject to the provisions of this section:

32 Executive Office of Health and Human Services

33 Organ Transplant Fund

34 HIV Care Grant Drug Rebates

1 Health System Transformation Project  
2 Rhode Island Statewide Opioid Abatement Account  
3 HCBS Support-ARPA  
4 HCBS Admin Support-ARPA  
5 Department of Human Services  
6 Veterans' home — Restricted account  
7 Veterans' home — Resident benefits  
8 Pharmaceutical Rebates Account  
9 Demand Side Management Grants  
10 Veteran's Cemetery Memorial Fund  
11 Donations — New Veterans' Home Construction  
12 Department of Health  
13 Pandemic medications and equipment account  
14 Miscellaneous Donations/Grants from Non-Profits  
15 State Loan Repayment Match  
16 Healthcare Information Technology  
17 Department of Behavioral Healthcare, Developmental Disabilities and Hospitals  
18 Eleanor Slater non-Medicaid third-party payor account  
19 Hospital Medicare Part D Receipts  
20 RICLAS Group Home Operations  
21 Commission on the Deaf and Hard of Hearing  
22 Emergency and public communication access account  
23 Department of Environmental Management  
24 National heritage revolving fund  
25 Environmental response fund II  
26 Underground storage tanks registration fees  
27 De Coppet Estate Fund  
28 Rhode Island Historical Preservation and Heritage Commission  
29 Historic preservation revolving loan fund  
30 Historic Preservation loan fund — Interest revenue  
31 Department of Public Safety  
32 E-911 Uniform Emergency Telephone System  
33 Forfeited property — Retained  
34 Forfeitures — Federal

1 Forfeited property — Gambling  
2 Donation — Polygraph and Law Enforcement Training  
3 Rhode Island State Firefighter’s League Training Account  
4 Fire Academy Training Fees Account  
5 Attorney General  
6 Forfeiture of property  
7 Federal forfeitures  
8 Attorney General multi-state account  
9 Forfeited property — Gambling  
10 Department of Administration  
11 OER Reconciliation Funding  
12 Health Insurance Market Integrity Fund  
13 RI Health Benefits Exchange  
14 Information Technology ~~Investment Fund~~ [restricted receipt account](#)  
15 Restore and replacement — Insurance coverage  
16 Convention Center Authority rental payments  
17 Investment Receipts — TANS  
18 OPEB System Restricted Receipt Account  
19 Car Rental Tax/Surcharge-Warwick Share  
20 Grants Management Administration  
21 [Executive Climate Change Coordinating Council Projects](#)  
22 Executive Office of Commerce  
23 Housing Resources Commission Restricted Account  
24 Housing Production Fund  
25 Department of Revenue  
26 DMV Modernization Project  
27 Jobs Tax Credit Redemption Fund  
28 Legislature  
29 Audit of federal assisted programs  
30 Department of Children, Youth and Families  
31 Children’s Trust Accounts — SSI  
32 Military Staff  
33 RI Military Family Relief Fund  
34 RI National Guard Counterdrug Program

1 Treasury  
2 Admin. Expenses — State Retirement System  
3 Retirement — Treasury Investment Options  
4 Defined Contribution — Administration - RR  
5 Violent Crimes Compensation — Refunds  
6 Treasury Research Fellowship  
7 Business Regulation  
8 Banking Division Reimbursement Account  
9 Office of the Health Insurance Commissioner Reimbursement Account  
10 Securities Division Reimbursement Account  
11 Commercial Licensing and Racing and Athletics Division Reimbursement Account  
12 Insurance Division Reimbursement Account  
13 Historic Preservation Tax Credit Account  
14 Marijuana Trust Fund  
15 Social Equity Assistance Fund  
16 Judiciary  
17 Arbitration Fund Restricted Receipt Account  
18 Third-Party Grants  
19 RI Judiciary Technology Surcharge Account  
20 Department of Elementary and Secondary Education  
21 Statewide Student Transportation Services Account  
22 School for the Deaf Fee-for-Service Account  
23 School for the Deaf — School Breakfast and Lunch Program  
24 Davies Career and Technical School Local Education Aid Account  
25 Davies — National School Breakfast & Lunch Program  
26 School Construction Services  
27 Office of the Postsecondary Commissioner  
28 Higher Education and Industry Center  
29 IGT STEM Scholarships  
30 Department of Labor and Training  
31 Job Development Fund  
32 Rhode Island Council on the Arts  
33 Governors' Portrait Donation Fund  
34 Statewide records management system account

1 SECTION 5. Section 37-2-12 of the General Laws in Chapter 37-2 entitled "State  
2 Purchases Act" is hereby amended to read as follows:

3 **37-2-12. Centralization of the procurement authority.**

4 (a) All rights, powers, duties, and authority relating to the procurement of supplies,  
5 services, and construction, and the management, control, warehousing, sale, and disposal of  
6 supplies, services, and construction now vested in or exercised by any state agency under the  
7 several statutes relating thereto are hereby transferred to the chief purchasing officer as provided  
8 in this chapter, subject to the provisions of § 37-2-54. A public agency does not have to utilize the  
9 centralized purchasing of the state but the public agency, through its existing internal purchasing  
10 function, shall adhere to the general principles, policies and practices set forth in this chapter.

11 (b) The chief purchasing officer, as defined in § 37-2-7(3)(i), may establish, charge, and  
12 collect from state contractors, listed on master-price agreements, a statewide contract  
13 administrative fee not to exceed one percent (1%) of the total value of the annual spend against a  
14 contract awarded to a state contractor. All statewide contract administrative fees collected pursuant  
15 to this subsection shall be deposited into a restricted-receipt account within the general fund  
16 designated as the "division of purchases administrative-fee account" and shall be used for the  
17 purposes of implementing technology for the submission and processing of bids, online vendor  
18 registration, bid notification, and other costs related to state procurement. On or before January 15,  
19 2019, and annually thereafter on or before January 15, the chief purchasing officer or designee shall  
20 file a report with the governor, the speaker of the house, and the president of the senate detailing:

21 (i) The total amount of funds collected and deposited into the division of purchases  
22 administrative-fee account for the most recently completed fiscal year;

23 (ii) The account balance as of the date of the report;

24 (iii) An itemization of all expenditures and other uses of said funds from said account for  
25 the most recently completed fiscal year; and

26 (iv) An annual evaluation as to the appropriateness of the amount of the contract  
27 administrative fee on master-price agreements.

28 (c) Subject to the approval of the director of the department of administration, the state  
29 controller is authorized to offset any currently recorded outstanding liability on the part of  
30 developmental disability organizations (DDOs) to repay previously authorized startup capital  
31 advances against the proceeds from the sale of group homes within a fiscal year prior to any sale  
32 proceeds being deposited into the information technology ~~investment fund~~ restricted receipt  
33 account established pursuant to § 42-11-2.5(a).

1 SECTION 6. Section 37-7-15 of the General Laws in Chapter 37-7 entitled “Management  
2 and Disposal of Property” is hereby amended to read as follows:

3 **37-7-15. Sale of state-owned land, buildings and improvements thereon and other real**  
4 **property.**

5 (a) Total annual proceeds from the sale of any land and the buildings and improvements  
6 thereon, and other real property, title to which is vested in the state of Rhode Island or title to which  
7 will be vested in the state upon completion of any condemnation or other proceedings, shall be  
8 transferred to the information technology restricted receipt account (ITRR account) and made  
9 available for the purposes outlined in § 42-11-2.5(a), unless otherwise prohibited by federal law.

10 (b) Provided, however, this shall not include proceeds from the sale of any land and the  
11 buildings and improvements thereon that will be created by the relocation of interstate route 195,  
12 which is sometimes collectively referred to as the “I-195 Surplus Land,” which land is identified  
13 in the “Rhode Island Interstate 195 Relocation Surplus Land: Redevelopment and Market Analysis”  
14 prepared by CKS Architecture & Urban Design dated 2009, and such term means those certain  
15 tracts or parcels of land situated in the city of Providence, county of Providence, state of Rhode  
16 Island, delineated on that certain plan of land captioned “Improvements to Interstate Route 195,  
17 Providence, Rhode Island, Proposed Development Parcel Plans 1 through 10, Scale: 1”

18 (c) Subject to the approval of the director of the department of administration, the state  
19 controller is authorized to offset any currently recorded outstanding liability on the part of  
20 developmental disability organizations (DDOs) to repay previously authorized startup capital  
21 advances against the proceeds from the sale of group homes within a fiscal year prior to any sale  
22 proceeds being deposited into the information technology investment fund.

23 SECTION 7. Section. 39-18.1-4 of the General Laws in Chapter 39-18.1 entitled  
24 "Transportation Investment and Debt Reduction Act of 2011" is hereby amended to read as follows:

25 **39-18.1-4. Rhode Island highway maintenance account created.**

26 (a) There is hereby created a special account in the intermodal surface transportation fund  
27 as established in § 31-36-20 that is to be known as the Rhode Island highway maintenance account.

28 (b) The fund shall consist of all those moneys that the state may, from time to time, direct  
29 to the fund, including, but not necessarily limited to, moneys derived from the following sources:

30 (1) There is imposed a surcharge of thirty dollars (\$30.00) per vehicle or truck, other than  
31 those with specific registrations set forth below in subsection (b)(1)(i). Such surcharge shall be paid  
32 by each vehicle or truck owner in order to register that owner’s vehicle or truck and upon each  
33 subsequent biennial registration. This surcharge shall be phased in at the rate of ten dollars (\$10.00)  
34 each year. The total surcharge will be ten dollars (\$10.00) from July 1, 2013, through June 30,

1 2014, twenty dollars (\$20.00) from July 1, 2014, through June 30, 2015, and thirty dollars (\$30.00)  
2 from July 1, 2015, through June 30, 2016, and each year thereafter.

3 (i) For owners of vehicles or trucks with the following plate types, the surcharge shall be  
4 as set forth below and shall be paid in full in order to register the vehicle or truck and upon each  
5 subsequent renewal:

6	<b>Plate Type</b>	<b>Surcharge</b>
7	Antique	\$5.00
8	Farm	\$10.00
9	Motorcycle	\$13.00

10 (ii) For owners of trailers, the surcharge shall be one-half (½) of the biennial registration  
11 amount and shall be paid in full in order to register the trailer and upon each subsequent renewal;

12 (2) There is imposed a surcharge of fifteen dollars (\$15.00) per vehicle or truck, other than  
13 those with specific registrations set forth in subsection (b)(2)(i) below, for those vehicles or trucks  
14 subject to annual registration, to be paid annually by each vehicle or truck owner in order to register  
15 that owner's vehicle or truck and upon each subsequent annual registration. This surcharge will be  
16 phased in at the rate of five dollars (\$5.00) each year. The total surcharge will be five dollars (\$5.00)  
17 from July 1, 2013, through June 30, 2014, ten dollars (\$10.00) from July 1, 2014, through June 30,  
18 2015, and fifteen dollars (\$15.00) from July 1, 2015, through June 30, 2016, and each year  
19 thereafter.

20 (i) For registrations of the following plate types, the surcharge shall be as set forth below  
21 and shall be paid in full in order to register the plate, and upon each subsequent renewal:

22	<b>Plate Type</b>	<b>Surcharge</b>
23	Boat Dealer	\$6.25
24	Cycle Dealer	\$6.25
25	In-transit	\$5.00
26	Manufacturer	\$5.00
27	New Car Dealer	\$5.00
28	Used Car Dealer	\$5.00
29	Racer Tow	\$5.00
30	Transporter	\$5.00
31	Bailee	\$5.00

32 (ii) For owners of trailers, the surcharge shall be one-half (½) of the annual registration  
33 amount and shall be paid in full in order to register the trailer and upon each subsequent renewal.

1 (iii) For owners of school buses, the surcharge will be phased in at the rate of six dollars  
2 and twenty-five cents (\$6.25) each year. The total surcharge will be six dollars and twenty-five  
3 cents (\$6.25) from July 1, 2013, through June 30, 2014, and twelve dollars and fifty cents (\$12.50)  
4 from July 1, 2014, through June 30, 2015, and each year thereafter;

5 (3) There is imposed a surcharge of thirty dollars (\$30.00) per license to operate a motor  
6 vehicle to be paid every five (5) years by each licensed operator of a motor vehicle. This surcharge  
7 will be phased in at the rate of ten dollars (\$10.00) each year. The total surcharge will be ten dollars  
8 (\$10.00) from July 1, 2013, through June 30, 2014, twenty dollars (\$20.00) from July 1, 2014,  
9 through June 30, 2015, and thirty dollars (\$30.00) from July 1, 2015, through June 30, 2016, and  
10 each year thereafter. In the event that a license is issued or renewed for a period of less than five  
11 (5) years, the surcharge will be prorated according to the period of time the license will be valid;

12 (4) All fees assessed pursuant to § 31-47.1-11, and chapters 3, 6, 10, and 10.1 of title 31,  
13 ~~except for fees assessed pursuant to §§ 31-10-31(6) and (8),~~ shall be deposited into the Rhode  
14 Island highway maintenance account, provided that for fiscal years 2016, 2017, and 2018 these fees  
15 be transferred as follows:

16 (i) From July 1, 2015, through June 30, 2016, twenty-five percent (25%) will be deposited;

17 (ii) From July 1, 2016, through June 30, 2017, fifty percent (50%) will be deposited;

18 (iii) From July 1, 2017, through June 30, 2018, sixty percent (60%) will be deposited; and

19 (iv) From July 1, 2018, and each year thereafter, one hundred percent (100%) will be  
20 deposited;

21 (5) All remaining funds from previous general obligation bond issues that have not  
22 otherwise been allocated.

23 (c) Effective July 1, 2019, ninety-five percent (95%) of all funds collected pursuant to this  
24 section shall be deposited in the Rhode Island highway maintenance account and shall be used only  
25 for the purposes set forth in this chapter. The remaining funds shall be retained as general revenues  
26 to partially offset cost of collections

27 (d) Unexpended balances and any earnings thereon shall not revert to the general fund but  
28 shall remain in the Rhode Island highway maintenance account. There shall be no requirement that  
29 monies received into the Rhode Island highway maintenance account during any given calendar  
30 year or fiscal year be expended during the same calendar year or fiscal year.

31 (e) The Rhode Island highway maintenance account shall be administered by the director,  
32 who shall allocate and spend monies from the fund only in accordance with the purposes and  
33 procedures set forth in this chapter.

1 SECTION 8. Section 39-21.1-14 of the General Laws in Chapter 39-21.1 entitled “911  
2 Emergency Telephone Number Act” is hereby amended to read as follows:

3 **39-21.1-14. E-911 surcharge and first response surcharge.**

4 (a)(1) A monthly E-911 surcharge of fifty cents (\$.50) is hereby levied upon each residence  
5 and business telephone line or trunk, or path and data, telephony, internet, voice over internet  
6 protocol (VoIP) wireline, line, trunk, or path in the state including PBX trunks and centrex  
7 equivalent trunks and each line or trunk serving, and upon each user interface number or extension  
8 number or similarly identifiable line, trunk, or path to or from a digital network (such as, but not  
9 exclusive of, integrated services digital network (ISDN), Flexpath, or comparable digital private  
10 branch exchange, or connecting to or from a customer-based or dedicated telephone switch site  
11 (such as, but not exclusive of, a private branch exchange (PBX)), or connecting to or from a  
12 customer-based or dedicated central office (such as, but not exclusive of, a centrex system but  
13 exclusive of trunks and lines provided to wireless communication companies) that can access to,  
14 connect with, or interface with the Rhode Island E-911 uniform emergency telephone system (RI  
15 E-911). In each instance where a surcharge is levied pursuant to this subsection (a)(1) there shall  
16 also be a monthly first response surcharge of fifty cents (\$.50). The surcharges shall be billed by  
17 each telecommunication services provider at the inception of services and shall be payable to the  
18 telecommunication services provider by the subscriber of the services.

19 (2) A monthly E-911 surcharge of fifty cents (\$.50) is hereby levied on each wireless  
20 instrument, device, or means, including prepaid, cellular, telephony, internet, voice over internet  
21 protocol (VoIP), satellite, computer, radio, communication, data or data only wireless lines, or any  
22 other wireless instrument, device, or means that has access to, connects with, or activates or  
23 interfaces or any combination thereof with the E-911 uniform emergency telephone system. In each  
24 instance where a surcharge is levied pursuant to this subsection (a)(2) there shall also be a monthly  
25 first response surcharge of seventy-five cents (\$.75). The surcharges shall be billed by each  
26 telecommunication services provider and shall be payable to the telecommunication services  
27 provider by the subscriber. Prepaid wireless telecommunications services shall not be included in  
28 this act, but shall be governed by chapter 21.2 of this title. The E-911 uniform emergency telephone  
29 system shall establish, by rule or regulation, an appropriate funding mechanism to recover from the  
30 general body of ratepayers this surcharge.

31 (b) The amount of the surcharges shall not be subject to the tax imposed under chapter 18  
32 of title 44 nor be included within the telephone common carrier’s gross earnings for the purpose of  
33 computing the tax under chapter 13 of title 44.

1 (c) Each telephone common carrier and each telecommunication services provider shall  
2 establish a special account to which it shall deposit on a monthly basis the amounts collected as  
3 surcharges under this section.

4 (d) The money collected by each telecommunication services provider shall be transferred  
5 within sixty (60) days after its inception of wireline, wireless, prepaid, cellular, telephony, voice  
6 over internet protocol (VoIP), satellite, computer, internet, or communications services in this state  
7 and every month thereafter, to the division of taxation, together with the accrued interest. The E-  
8 911 surcharge shall be deposited in a restricted-receipt account and used solely for the operation of  
9 the E-911 uniform emergency telephone system. The first response surcharge shall be deposited in  
10 the general fund; provided, however, that ten percent (10%) of the money collected from the first  
11 response surcharge shall be deposited in the information technology ~~investment fund~~ restricted  
12 receipt account (ITRR account) established pursuant to § 42-11-2.5(a). Any money not transferred  
13 in accordance with this subsection shall be assessed interest at the rate set forth in § 44-1-7 from  
14 the date the money should have been transferred.

15 (e) Every billed subscriber-user shall be liable for any surcharge imposed under this section  
16 until it has been paid to the telephone common carrier or telecommunication services provider. Any  
17 surcharge shall be added to and shall be stated separately in the billing by the telephone common  
18 carrier or telecommunication services provider and shall be collected by the telephone common  
19 carrier or telecommunication services provider.

20 (f) Each telephone common carrier and telecommunication services provider shall annually  
21 provide the E-911 uniform emergency telephone system division, or any other agency that may  
22 replace it, with a list of amounts uncollected, together with the names and addresses of its  
23 subscriber-users who can be determined by the telephone common carrier or telecommunication  
24 services provider to have not paid the E-911 surcharge.

25 (g) Included within, but not limited to, the purposes for which the money collected from  
26 the E-911 surcharge may be used, are rent, lease, purchase, improvement, construction,  
27 maintenance, repair, and utilities for the equipment and site or sites occupied by the E-911 uniform  
28 emergency telephone system; salaries, benefits, and other associated personnel costs; acquisition,  
29 upgrade, or modification of PSAP equipment to be capable of receiving E-911 information,  
30 including necessary computer hardware, software, and database provisioning, addressing, and non-  
31 recurring costs of establishing emergency services; network development, operation, and  
32 maintenance; database development, operation, and maintenance; on-premise equipment  
33 maintenance and operation; training emergency service personnel regarding use of E-911;  
34 educating consumers regarding the operations, limitations, role, and responsible use of E-911;

1 reimbursement to telephone common carriers or telecommunication services providers of rates or  
2 recurring costs associated with any services, operation, administration, or maintenance of E-911  
3 services as approved by the division; reimbursement to telecommunication services providers or  
4 telephone common carriers of other costs associated with providing E-911 services, including the  
5 cost of the design, development, and implementation of equipment or software necessary to provide  
6 E-911 service information to PSAPs, as approved by the division.

7 (h) [Deleted by P.L. 2000, ch. 55, art. 28, § 1.]

8 (i) Nothing in this section shall be construed to constitute rate regulation of wireless  
9 communication services carriers, nor shall this section be construed to prohibit wireless  
10 communication services carriers from charging subscribers for any wireless service or feature.

11 (j) [Deleted by P.L. 2006, ch. 246, art. 4, § 1.]

12 SECTION 9. Sections 42-11-2.5, 42-11-2.6, 42-11-2.8 of the General Laws in Chapter 42-  
13 11 entitled "Department of Administration" are hereby amended to read as follows:

14 **42-11-2.5. Information technology ~~investment fund~~ restricted receipt account and**  
15 **large systems initiatives fund.**

16 (a) All sums from the sale of any land and the buildings and improvements thereon, and  
17 other real property, title to which is vested in the state, except as provided in §§ 37-7-15(b) and 37-  
18 7-15(c), shall be transferred to an information technology ~~investment fund~~ restricted-receipt  
19 account (ITRR account) that is hereby established. This ~~fund~~ ITRR account shall consist of such  
20 sums from the sale of any land and the buildings and improvements thereon, and other real property,  
21 title to which is vested in the state, except as provided in §§ 37-7-15(b) and 37-7-15(c), as well as  
22 a share of first response surcharge revenues collected under the provisions of § 39-21.1-14. This  
23 ~~fund~~ ITRR account may also consist of such sums as the state may from time to time appropriate;  
24 as well as money received from the disposal of information technology ~~equipment~~hardware, loan,  
25 interest, and service charge payments from benefiting state agencies; as well as interest earnings,  
26 money received from the federal government, gifts, bequest, donations, or otherwise from any  
27 public or private source. Any such funds shall be exempt from the indirect cost recovery provisions  
28 of § 35-4-27.

29 ~~(b)~~ (1) This ~~fund~~ ITRR account shall be used for the purpose of acquiring information  
30 technology improvements, including, but not limited to: hardware, software, consulting services,  
31 and ongoing maintenance and upgrade contracts for state departments and agencies.

32 ~~(c)~~ (2) The division of enterprise technology strategy and service of the Rhode Island  
33 department of administration shall adopt rules and regulations consistent with the purposes of this

1 chapter and chapter 35 of this title, in order to provide for the orderly and equitable disbursement  
2 of funds from this [ITRR](#) account.

3 ~~(4)~~(3) For all requests for proposals that are issued for information technology projects, a  
4 corresponding information technology project manager shall be assigned.

5 (b) There is also hereby established a special fund to be known as the large systems  
6 initiatives fund (LSI fund), separate and apart from the general fund of the state, to be administered  
7 by the chief information officer within the department of administration for the purpose of  
8 implementing and maintaining enterprise-wide software projects for executive branch departments.  
9 The LSI fund shall consist of such sums as the state may from time to time directly appropriate to  
10 the LSI fund.

11 (c) In the event that a project falls both within the purposes stated above for the ITRR  
12 account and the LSI fund, the chief digital officer for the division of enterprise technology strategy  
13 and service, or his or her designee, may determine the funding allocation between the ITRR and  
14 the LSI fund.

15 **42-11-2.6. Office of Digital Excellence established.**

16 (a) Within the department, division of enterprise technology strategy and services, there  
17 shall be established the Office of Digital Excellence. The purposes of the office shall be to move  
18 Rhode Island state government into the 21st century through the incorporation of innovation and  
19 modern digital capabilities throughout state government and to leverage technology to expand and  
20 improve the quality of services provided to Rhode Island citizens; to promote greater access to  
21 government and the internet throughout cities and towns; and to position Rhode Island as a national  
22 leader in e-government.

23 (b) Within the office, there shall be a chief digital officer who shall be appointed by the  
24 director of administration with the approval of the governor and who shall be in the unclassified  
25 service. The chief digital officer shall report to the director of administration and be required to:

26 (1) Manage the implementation of all new and mission-critical technology infrastructure  
27 projects and upgrades for state agencies. The division of enterprise technology strategy and  
28 services, established pursuant to § 42-11-2.8, shall continue to manage and support all day-to-day  
29 operations of the state's technology infrastructure, telecommunications, and associated  
30 applications;

31 (2) Increase the number of government services that can be provided online in order to  
32 allow residents and businesses to complete transactions in a more efficient and transparent manner;

33 (3) Improve the state's websites to provide timely information to online users and as many  
34 government services as possible online; and

1 (4) Establish, improve, and enhance the state's use of social media and mobile  
2 technological applications.

3 (c) The office shall coordinate its efforts with the division of enterprise technology strategy  
4 and services in order to plan, allocate, and implement projects supported by the information  
5 technology ~~investment fund~~ restricted receipt account (ITRR account) established pursuant to § 42-  
6 11-2.5(a) and the large systems initiatives fund (LSI fund) established pursuant to § 42-11-2.5(b).

7 (d) All intellectual property created as a result of work undertaken by employees of the  
8 office shall remain the property of the state of Rhode Island. Any patents applied for shall be in the  
9 name of the state.

10 (e) The director of administration may promulgate rules and regulations recommended by  
11 the chief digital officer in order to effectuate the purposes and requirements of this act.

12 (f) The chief digital officer shall report no later than January 31, 2013, and every January  
13 31 thereafter, to the governor, the speaker of the house of representatives, and the senate president  
14 regarding the implementation status of all technology infrastructure projects; website  
15 improvements; number of e-government transactions and revenues generated; projects supported  
16 by the information technology investment fund; and all other activities undertaken by the office.  
17 The report shall also include planned use for projects related to public safety communications and  
18 emergency services, recommendations on the development of and opportunities for shared  
19 implementation and delivery of these services among municipalities, and strategies for such shared  
20 services. The annual report shall be posted on the office's website.

21 **42-11-2.8. Division of enterprise technology strategy and services established.**

22 (a) **Established.** Within the department there shall be established the division of enterprise  
23 technology strategy and service (ETSS), which shall include the office of information technology,  
24 the office of digital excellence (ODE), and the office of library and information services (OLIS).  
25 Within ETSS, there shall be a chief digital officer in the unclassified service who shall oversee and  
26 manage the division and shall be appointed by the director of administration. Any prior reference  
27 in statute to the division of information technology shall now mean ETSS. The chief digital officer  
28 shall supervise the state's chief information officer, chief technology officer, chief information  
29 security officer, the directors of information technology, and all associated employees. The chief  
30 digital officer may promulgate rules and regulations in order to effectuate the purposes and  
31 requirements of this act.

32 (b) **Purposes; duties.** The purposes of ETSS shall be to align existing and future  
33 technology platforms, along with technical expertise, across the agencies of the executive branch.  
34 ETSS shall be responsible for managing and consolidating the strategy and budgets of the division,

1 including the office of information technology, the office of library and information services and  
2 the office of digital excellence, and the information technology investment fund. The focus of ETSS  
3 will be to lead the strategic technology decisions and efforts across all of the executive branch state  
4 agencies; identify opportunities to implement technology solutions across state agencies to prevent  
5 duplication of systems and effort; as well as effectively support these solutions in an efficient  
6 manner. ETSS shall have the following duties:

7 (1) Manage the implementation of all new and mission-critical technology infrastructure  
8 projects and upgrades for state agencies. The office of information technology, under ETSS, shall  
9 manage and support all day-to-day operations of the state's technology infrastructure,  
10 telecommunications, and associated applications;

11 (2) Manage the office of digital excellence in order to ensure that large-scale technology  
12 projects are delivered in a timely manner in accordance with accepted best-industry practices;

13 (3) To oversee the chief of library services and the office of library and information  
14 services to ensure that this office fulfills its statutory duties in an effective manner;

15 (4) Coordinate efforts with the director of administration in order to plan, allocate, and  
16 implement projects supported by the information technology ~~investment fund~~ restricted receipt  
17 account (ITRR account) established pursuant to § 42-11-2.5(a) and the large systems initiatives  
18 fund (LSI fund) established pursuant to § 42-11-2.5(b);

19 (5) Supervise all intellectual property created as a result of work undertaken by employees  
20 of ETSS to ensure that ownership of this intellectual property remains with the state. Any patents  
21 applied for shall be in the name of the state.

22 (c) **Reporting.** The chief digital officer shall annually report no later than January 31 to  
23 the governor, the speaker of the house of representatives, and the senate president regarding the  
24 implementation status of all technology infrastructure projects; website improvements; number of  
25 e-government transactions and revenues generated; projects supported by the information  
26 technology investment fund; and all other activities undertaken by the division. The annual report  
27 shall be posted on the ETSS website.

28 SECTION 10. This article shall take effect upon passage.

29



1 (2) “Rhode Island Longitudinal Data System” (RILDS) formerly known as the RI  
2 DataHUB operated by DataSpark, is the current statewide longitudinal data system and will be  
3 located for budgetary purposes in the office of the postsecondary commissioner.

4 (3) “Rhode Island Longitudinal Data System Center” (Center) is comprised of the current  
5 entity known as DataSpark and whatever other resources as necessary to accomplish the powers  
6 and duties prescribed herein.

7 (4) “Statewide longitudinal data system” or “longitudinal data system” or “SLDS” means  
8 an individual- or unit-level data system that links and integrates records from state datasets  
9 including but not limited to early childhood and prekindergarten, through elementary, secondary,  
10 and postsecondary education, and into the workforce from participating agencies and entities.

11 (5) “State and federal privacy laws” means all applicable state and federal privacy laws  
12 and accompanying regulations, including but not limited to the Federal Family Educational Rights  
13 and Privacy Act and its accompanying regulations (“FERPA”), Health Insurance Probability and  
14 Accountability Act (“HIPAA”), R.I. Gen. Laws § 28-42-38, 20 CFR 603.1 et seq., and any other  
15 privacy measures that apply to the personally identifiable information that is used by the center  
16 and/or becomes part of the RILDS hereunder.

#### 17 **16-112-4. Creation**

18 (a) The RILDS is hereby established within the office of the postsecondary commissioner  
19 and is granted and authorized to use all the powers set forth in this chapter.

#### 20 (b) Functions The RILDS shall:

21 (1) Transmit, store, enable access to, permit the use, and dispose of linked data and  
22 information in accordance with the National Institute of Standards and Technology (NIST)  
23 Cybersecurity Framework and associated NIST 800-53 security controls commensurate with data  
24 sensitivity level and in accordance with all applicable state and privacy laws;

25 (2) Serve as a central repository of the state’s inter-agency, longitudinal, linked data;

26 (3) Enable the integration, linkage, and management of information;

27 (4) Report on and provide access to aggregate data to, among other things, address  
28 inequities in access, opportunities, and outcomes;

29 (5) Nothing in this chapter shall negate or otherwise adversely affect the validity and legal  
30 enforceability of any existing data sharing and/or research agreements executed between and  
31 among the states’ participating agencies and the state’s statewide longitudinal data system.

#### 32 **16-112-5 Governing Board**

33 (a) **Composition of Board.** The RILDS will be governed by the Rhode Island longitudinal  
34 data system governing board (the board).

- 1           (1) The board shall be composed of:  
2           (i) an at large member appointed by the governor who serves as one co-chair;  
3           (ii) director of any participating agencies as described in § 16-112-3 and § 16-112-6,  
4           or their designee;  
5           (iii) the director of the office of management and budget or designee;  
6           (iv) the chief information officer of the division of information technology or  
7           designee; and  
8           (v) the director of the center, as set forth in § 16-112-7.

9           (2) The board shall be overseen by two co-chairs. One co-chair shall be appointed by the  
10          governor and shall be responsible for overseeing and directing the policy duties and responsibilities  
11          of the board. The other co-chair shall be the commissioner of postsecondary education who shall  
12          be responsible for overseeing, supervising, and directing the operational duties of the center and its  
13          personnel.

14          **(b) Powers and Duties.** The board shall:

15               (1) In consultation with the center and in accordance with federal and state privacy law,  
16               approve policies regarding how data requests from state and local agencies, the Rhode Island  
17               general assembly, third-party researchers, and the public will be managed;

18               (2) In consultation with the center, approve policies regarding the publishing of reports and  
19               other information that should be available to public stakeholders;

20               (3) Approve standards implemented by the center for the security, privacy, access to, and  
21               confidentiality of data, including policies to comply with the Family Education Rights and Privacy  
22               Act, Health Insurance Probability and Accountability Act, R.I. Gen. Laws § 28-42-38, 20 CFR  
23               603.1 et seq. and any other privacy measures, as required by law or the board;

24               (4) Perform other functions that are necessary to ensure the successful continuation,  
25               management, and expansion of the RILDS;

26               (5) Establish a data governance committee to work with the center on an ongoing basis to  
27               among other responsibilities, approve data requests; and

28               (6) Oversee and collaborate with the data governance committee and the center as set forth  
29               in § 16-112-7.

30          **16-112-6. Participating Agencies**

31               (a) Participating agencies shall transfer data, as applicable, to the RILDS in accordance  
32               with the data security policies as approved by the board, and pursuant to the requirements of state  
33               and federal privacy laws.

1 (b) Any agencies providing data on a recurring basis to the RILDS shall provide a  
2 representative to the board and be governed in the same manner as the initial agencies and entities  
3 and shall be subject to applicable board policies.

4 **16-112-7. The Rhode Island Longitudinal Data System Center**

5 (a) **Purpose.** The purpose of the center is to manage and operate the RILDS and conduct  
6 research and evaluate programs regarding federal, state, and local programs and policies. The center  
7 shall be managed by an executive director (hereafter the “director”) responsible for the daily  
8 management and operations of the center. The director will also be responsible for interfacing and  
9 collaborating between the board and the data governance committee, as well as external  
10 communications and agreements. The director shall be a non-classified employee of the council on  
11 postsecondary education under the supervision of and subject to the authority of the commissioner  
12 of postsecondary education.

13 **(b) Powers and Duties.**

14 The duties of the center shall be to:

15 (1) Act as an authorized representative, research partner, and business associate of the  
16 state’s agencies, including those responsible for education and workforce, under and in accordance  
17 with the requirements of applicable federal and state statutes and/or state and federal privacy laws;

18 (2) Enter into memoranda of understanding with state agencies, non-profits, subnational  
19 governments, and other entities for the purposes of data sharing and analysis;

20 (3) Coordinate with participating agencies and other entities to ensure the integrity and  
21 quality of data being collected, including implementing the data quality and metadata policies  
22 approved by the board;

23 (4) Advance research and allow policymakers to explore critical research policy questions  
24 and to measure investments in education and workforce development;

25 (5) In consultation with the board, identify the state’s critical research and policy questions;

26 (6) Provide analysis and reports that assist with evaluating programs and measuring  
27 investments, subject to the policies approved by the board;

28 (7) Implement policies and procedures approved by the board that govern the security,  
29 privacy, access to, and confidentiality of the data, in accordance with relevant federal and state  
30 privacy laws;

31 (8) Ensure that information contained, and available through, the RILDS is kept secure,  
32 and that individual privacy is protected, and maintain insurance coverage;

33 (9) Respond to approved research data requests in accordance with the policies and  
34 procedures approved by the board;

1           (10) Enter into contracts or other agreements with appropriate entities, including but not  
2 limited to federal, state, and local agencies, to the extent necessary to carry out its duties and  
3 responsibilities only if such contracts or agreements incorporate adequate protections with respect  
4 to the privacy and security of any information to be shared, and are approved, in writing, by the  
5 applicable agency whose data or information is to be shared, and are allowable under applicable  
6 state and federal privacy laws; and

7           (11) Maintain staff necessary to carry out the above duties as provided for in the state  
8 budget. Staff at the center shall be non-classified employees of the council on postsecondary  
9 education, under the supervision of and subject to the authority of the commissioner of  
10 postsecondary education. The non-SLDS activity of the center shall also be under the supervision  
11 and authority of the commissioner of postsecondary education and the council on postsecondary  
12 education. The council on postsecondary education, its office of the postsecondary commissioner,  
13 and its employees shall be included under the limitation of damages for tort liability for the State  
14 set out in §§ 9-31-1 et seq., for all actions involving the center regarding the RILDS and/or SLDS  
15 and for any other activity of the center regarding its receipt, storage, sharing and transmission of  
16 data as part of its non-SLDS operations and activities.

17           (12) The council on postsecondary education shall be the employer of public record for the  
18 Center.

19           (c) **Funding.** Appropriations made pursuant to this Act shall be used exclusively for the  
20 development and operation of RILDS.

21           (1) The board and the center may implement a data request fee policy to compensate for  
22 excessive use of the data system, to recover costs that would otherwise typically be borne by the  
23 requesting data researcher, or both. A data request fee policy implemented pursuant to this section  
24 shall be reviewed and approved by the board, revised periodically, and made publicly available and  
25 posted in a prominent location on the RILDS's internet website.

26           (2) The center may receive funding for its operation of the RILDS from the following  
27 sources:

28           (a) State appropriations;

29           (b) Federal grants;

30           (c) User fees; and

31           (d) Any other grants or contributions from public agencies or other entities.

32           (e) There is hereby established a restricted receipt account in the general fund of the state  
33 and housed in the budget of the office of postsecondary commissioner entitled "longitudinal data

1 system- non-federal grants.” The express purpose of this account is to record receipts and  
2 expenditures of the program herein described and established within this section.

3 SECTION 2 Section 21-36-3 of the General Laws in Chapter 21-36 entitled “The  
4 Interagency Food & Nutrition Policy Advisory Council Act” is hereby amended to read as follows:

5 **21-36-3. Council composition.**

6 There shall be an inter-agency food and nutrition policy advisory council which shall  
7 consist of ~~seven (7)~~ nine (9) members: the director of health, or his or her designee; the director of  
8 environmental management, or his or her designee; the director of administration, or his or her  
9 designee; the director of the department of human services, or his or her designee; the director of  
10 the office of healthy aging, or his or her designee; the director of the department of corrections, or  
11 his or her designee; the secretary of commerce, or his or her designee; the director of the department  
12 of children, youth & families, or his or her designee; and the commissioner of elementary and  
13 secondary education, or his or her designee. The members of the commission shall elect a  
14 chairperson from among themselves.

15 SECTION 3. Section 24-8-27 of the General Laws in Chapter 24-8 entitled “Construction  
16 and Maintenance of State Roads” is hereby amended to read as follows:

17 **24-8-27. “Bridge” defined — Responsibility for ~~smaller~~ structures.**

18 (a) The word “bridge” as used in this chapter shall be a structure including supports erected  
19 over a depression or an obstruction, such as water, highway, or railway, and having a track or  
20 passageway for carrying traffic or other moving loads, and having an opening measured along the  
21 center of the roadway of eight (8) feet or more between under copings of abutments, spring lines  
22 of arches, or the extreme ends of openings for multiple boxes; it also includes single or multiple  
23 pipes where the clear distance between openings of multiple pipes is less than half of the smaller  
24 contiguous opening. ~~any structure not less than five feet (5') in width. Any structure less than five~~  
25 ~~feet (5') in width lying in any highway now being or hereafter becoming a part of the state highway~~  
26 ~~system shall be constructed, repaired or reconstructed at the expense of the state.~~

27 (b) The State will be responsible for the following related to bridges, as defined above:

28 (1) Reporting of inspection and load rating findings for National Bridge Inventory (NBI)  
29 bridges on all roadways.

30 (2) Construction and maintenance costs of:

31 (i) bridges on state owned roads

32 (ii) structures less than eight (8) feet on State roads

33 (ii) other state-owned structures unless otherwise agreed upon.

1           (c) The State is not responsible for construction or maintenance costs for bridges or smaller  
2 structures they do not own.

3           (d) Performing inspections or load ratings on any bridge or structures less than eight (8)  
4 feet by the State for public safety does not constitute ownership or responsibility of the structure.

5           SECTION 4. Section 30-25-14 of the General Laws in Chapter 30-25 entitled "Burial of  
6 Veterans" is hereby amended to read as follows:

7           **30-25-14. Rhode Island veterans' memorial cemetery.**

8           (a) The Rhode Island veterans' memorial cemetery, located on the grounds of the Joseph  
9 H. Ladd school in the town of Exeter, shall be under the management and control of the director of  
10 the department of human services. The director of the department of human services shall appoint  
11 an administrator for the Rhode Island veterans' memorial cemetery who shall be an honorably  
12 discharged veteran of the United States Armed Forces and shall have the general supervision over,  
13 and shall prescribe rules for, the government and management of the cemetery. He or she shall  
14 make all needful rules and regulations governing the operation of the cemetery and generally may  
15 do all things necessary to ensure the successful operation thereof. The director shall promulgate  
16 rules and regulations, not inconsistent with the provisions of 38 U.S.C. § 2402, to govern the  
17 eligibility for burial in the Rhode Island veterans' memorial cemetery. In addition to all persons  
18 eligible for burial pursuant to rules and regulations established by the director, any person who  
19 served in the army, navy, air force, or marine corps of the United States for a period of not less than  
20 two (2) years and whose service was terminated honorably, shall be eligible for burial in the Rhode  
21 Island veterans' memorial cemetery. The director shall appoint and employ all subordinate officials  
22 and persons needed for the proper management of the cemetery. National guard members who are  
23 killed in the line of duty or who are honorably discharged after completion of at least ~~twenty (20)~~  
24 six (6) years' of service in the Rhode Island national guard and/or reserve and their spouse shall be  
25 eligible for interment in the Rhode Island veterans' memorial cemetery. National guard members  
26 and/or reservists who are honorably discharged after completion of at least six (6) years of service  
27 with another state, and who are a Rhode Island resident for at least two (2) consecutive years  
28 immediately prior to death, shall be eligible, along with their spouse, for interment in the Rhode  
29 Island veterans' memorial cemetery. For the purpose of computing service under this section,  
30 honorable service in the active forces or reserves shall be considered toward the ~~twenty (20)~~ six (6)  
31 years of national guard service. The general assembly shall make an annual appropriation to the  
32 department of human services to provide for the operation and maintenance for the cemetery. The  
33 director shall charge and collect a grave liner fee per interment of the eligible spouse and/or eligible

1 dependents of the qualified veteran, national guard member and/or reservist equal to the  
2 department's cost for the grave liner.

3 (b) No domestic animal shall be allowed on the grounds of the Rhode Island veterans'  
4 memorial cemetery, whether at large or under restraint, except for seeing eye guide dogs, hearing  
5 ear signal dogs or any other service animal, as required by federal law or any personal assistance  
6 animal, as required by chapter 9.1 of title 40. Any person who violates the provisions of this section  
7 shall be subject to a fine of not less than five hundred dollars (\$500).

8 (c) The state of Rhode Island office of veterans services shall bear the cost of all tolls  
9 incurred by any motor vehicles that are part of a veteran's funeral procession, originating from  
10 Aquidneck Island ending at the veterans' memorial cemetery, for burial or internment. The  
11 executive director of the turnpike and bridge authority shall assist in the administration and  
12 coordination of this toll reimbursement program.

13 SECTION 5. Sections 35-1.1-3 and 35-1.1-9 of the General Laws in Chapter 35-1.1 entitled  
14 "Office of Management and Budget" are hereby amended to read as follows:

15 **35-1.1-3. Director of management and budget – Appointment and responsibilities.**

16 (a) Within the department of administration there shall be a director of management and  
17 budget who shall be appointed by the director of administration with the approval of the governor.  
18 The director shall be responsible to the governor and director of administration for supervising the  
19 office of management and budget and for managing and providing strategic leadership and direction  
20 to the budget officer, the performance management office, and the federal grants management  
21 office.

22 (b) The director of management and budget shall be responsible to:

23 (1) Oversee, coordinate, and manage the functions of the budget officer as set forth by  
24 chapter 3 of this title; program performance management as set forth by § 35-3-24.1; approval of  
25 agreements with federal agencies defined by § 35-3-25; and budgeting, appropriation, and receipt  
26 of federal monies as set forth by chapter 41 of title 42;

27 (2) [Deleted by P.L. 2019, ch. 88, art. 4, § 9];

28 (3) Oversee the director of regulatory reform as set forth by § 42-64.13-6;

29 (4) Maximize the indirect cost recoveries by state agencies set forth by § 35-4-23.1; ~~and~~

30 (5) Undertake a comprehensive review and inventory of all reports filed by the executive  
31 office and agencies of the state with the general assembly. The inventory should include, but not  
32 be limited to: the type, title, and summary of reports; the author(s) of the reports; the specific  
33 audience of the reports; and a schedule of the reports' release. The inventory shall be presented to  
34 the general assembly as part of the budget submission on a yearly basis. The office of management

1 and budget shall also make recommendations to consolidate, modernize the reports, and to make  
2 recommendations for elimination or expansion of each report; and

3 (6) Conduct, with all necessary cooperation from executive branch agencies, reviews,  
4 evaluations, and assessments on process efficiency, operational effectiveness, budget and policy  
5 objectives, and general program performance.

6 **35-1.1-9. Cooperation of other state executive branch agencies.**

7 (a) The departments and other agencies of the state of the executive branch that have not  
8 been assigned to the executive office of management and budget under this chapter shall assist and  
9 cooperate with the executive office as may be required by the governor and/or requested by the  
10 director of management and budget. ~~€~~This assistance may include, but not be limited to, providing  
11 analyses and related backup documentation and information, organizational charts and/or process  
12 maps, contractual deliverables, and utilizing staff resources from other departments or agencies for  
13 special projects within a defined period of time to improve processes or performance within  
14 agencies and/or lead to cost savings.

15 (b) Within thirty (30) days following the date of the issuance of a final audit report  
16 completed pursuant to subdivision 35-1.1-2(6), the head of the department, agency or private entity  
17 audited shall respond in writing to each recommendation made in the final audit report. This  
18 response shall address the department's, agency's or private entity's plan of implementation for  
19 each specific audit recommendation and, if applicable, the reasons for disagreement with any  
20 recommendation proposed in the audit report. Within one year following the date on which the  
21 audit report was issued, the office may perform a follow-up audit for the purpose of determining  
22 whether the department, agency or private entity has implemented, in an efficient and effective  
23 manner, its plan of action for the recommendations proposed in the audit report.

24 SECTION 6. Section 35-3-24.1 of the General Laws in Chapter 35-3 entitled "State  
25 Budget" is hereby amended to read as follows:

26 **35-3-24.1. Program performance measurement.**

27 (a) Beginning with the fiscal year ending June 30, 1997, the governor shall submit, as part  
28 of each budget submitted to the general assembly pursuant to § 35-3-7, performance objectives for  
29 each program in the budget for the ensuing fiscal year, estimated performance data for the fiscal  
30 year in which the budget is submitted, and actual performance data for the preceding two (2)  
31 completed fiscal years. Performance data shall include efforts at achieving equal opportunity hiring  
32 goals as defined in the department's annual affirmative action plan. The governor shall, in addition,  
33 recommend appropriate standards against which to measure program performance. Performance in  
34 prior years may be used as a standard where appropriate. These performance standards shall be

1 stated in terms of results obtained.

2 (b) The governor may submit, in lieu of any part of the information required to be submitted  
3 pursuant to subsection (a), an explanation of why the information cannot, as a practical matter be  
4 submitted.

5 (c)(1) The office of management and budget shall be responsible for managing and  
6 collecting program performance measures on behalf of the governor. The office is authorized to  
7 conduct performance reviews and audits of agencies to determine ~~progress towards achieving~~  
8 ~~performance objectives for programs~~ the manner and extent to which executive branch agencies  
9 achieve intended objectives and outcomes.

10 (2) In order to collect performance measures from agencies, review performance and  
11 provide recommendations the office of budget and management is authorized to coordinate with  
12 the office of internal audit regarding the findings and recommendations that result from audits  
13 conducted by the office.

14 (3) In order to facilitate the office of management and budget's performance reviews,  
15 agencies must generate and provide timely access to records, reports, analyses, audits, reviews,  
16 documents, papers, recommendations, contractual deliverables, or other materials available relating  
17 to agency programs and operations.

18 (4) In order to ensure alignment of executive branch agency operations with the state's  
19 priorities, the office of management and budget may produce, with all necessary cooperation from  
20 executive branch agencies, analyses and recommendations to improve program performance,  
21 conduct evidence-based budgeting, and respond to sudden shifts in policy environments.

22 (5) In order to gain insight into performance or outcomes and inform policymaking and  
23 program evaluation, the office of management and budget may lead, manage, and/or coordinate  
24 interagency and cross-system collaboration or integration initiatives.

25 SECTION 7. Section 37-14.1-6 of the General Laws in Chapter 14.1 titled "Minority  
26 Business Enterprise" is hereby amended to read as follows:

27 **37-14.1-6 Minority business enterprise participation.**

28 (a) Minority business enterprises shall be included in all procurements and construction  
29 projects under this chapter and shall be awarded a minimum of ~~ten percent (10%)~~ fifteen percent  
30 (15%) of the dollar value of the entire procurement or project. Of that fifteen percent (15%),  
31 minority business enterprises owned and controlled by a minority owner, as defined in 37-14.1-3,  
32 shall be awarded a minimum of seven- and one-half percent (7.5%), and minority business  
33 enterprises owned and controlled by a woman shall be awarded a minimum of seven- and one-half  
34 percent (7.5%). The director of the department of administration is further authorized to establish

1 by rules and regulation the certification process and formulas for giving minority business  
2 enterprises a preference in contract and subcontract awards.

3 (b) Any minority business enterprise currently certified by the U.S. Small Business  
4 Administration as an 8(a) firm governed by 13 C.F.R. part 124 shall be deemed to be certified by  
5 the department of administration as a minority business enterprise and shall only be required to  
6 submit evidence of federal certification of good standing.

7 (c) The provisions of chapter 14.1 of title 37 shall not be waived, including, but not limited  
8 to, during a declared state of emergency.

9 SECTION 8. Section 42-28-25 of the General Laws in Chapter 42-28 entitled "State Police"  
10 is hereby amended to read as follows:

11 **42-28-25. State and municipal police training school established.**

12 (a) Within the Rhode Island state police there is hereby created and established a state and  
13 municipal police training school.

14 (b) The superintendent of the state police shall have supervision of the state and municipal  
15 police training academy and shall establish standards for admission and a course of training. The  
16 superintendent shall report to the governor and general assembly a plan for a state and municipal  
17 police training academy on or before December 31, 1993. The superintendent shall, in consultation  
18 with the Police Chiefs' Association and the chairperson of the Rhode Island commission on  
19 standards and training make all necessary rules and regulations relative to the admission, education,  
20 physical standards and personal character of the trainees and such other rules and regulations as  
21 shall not be inconsistent with law.

22 (c) Applicants to the state and municipal police training academy shall pay an application  
23 fee in the amount of fifty dollars (\$50.00); provided, however, the superintendent may waive such  
24 application fee if payment thereof would be a hardship to the applicant.

25 (d) Trainees shall pay to the division an amount equal to the actual cost ~~of meals consumed~~  
26 ~~at the state police and municipal police training academy and the actual cost~~ of such training  
27 uniforms which remain the personal property of the trainees.

28 (e) All fees and payments received by the division pursuant to this section shall be  
29 deposited as general revenues.

30 SECTION 9. Section 42-56-20.2 of the General Laws in Chapter 42-56 entitled  
31 "Corrections Department" is hereby amended to read as follows:

32 **42-56-20.2. Community confinement.**

33 (a) **Persons subject to this section.** Every person who shall have been adjudged guilty of  
34 any crime after trial before a judge, a judge and jury, or before a single judge entertaining the

1 person's plea of nolo contendere or guilty to an offense ("adjudged person"), and every person  
2 sentenced to imprisonment in the adult correctional institutions ("sentenced person") including  
3 those sentenced or imprisoned for civil contempt, and every person awaiting trial at the adult  
4 correctional institutions ("detained person") who meets the criteria set forth in this section shall be  
5 subject to the terms of this section except:

6 (1) Any person who is unable to demonstrate that a permanent place of residence ("eligible  
7 residence") within this state is available to that person; or

8 (2) Any person who is unable to demonstrate that he or she will be regularly employed, or  
9 enrolled in an educational or vocational training program within this state, and within thirty (30)  
10 days following the institution of community confinement; or

11 (3)(i) Any adjudged person or sentenced person or detained person who has been  
12 convicted, within the five (5) years next preceding the date of the offense for which he or she is  
13 currently so adjudged or sentenced or detained, of a violent felony.

14 A "violent felony" as used in this section shall mean any one of the following crimes or an  
15 attempt to commit that crime: murder; manslaughter; sexual assault; mayhem; robbery; burglary;  
16 assault with a dangerous weapon; assault or battery involving serious bodily injury; arson; breaking  
17 and entering into a dwelling; child molestation; kidnapping; DWI resulting in death or serious  
18 injury; or driving to endanger resulting in death or serious injury; or

19 (ii) Any person currently adjudged guilty of or sentenced for or detained on any capital  
20 felony; or

21 (iii) Any person currently adjudged guilty of or sentenced for or detained on a felony  
22 offense involving the use of force or violence against a person or persons. These shall include, but  
23 are not limited to, those offenses listed in subsection (a)(3)(i) of this section; or

24 (iv) Any person currently adjudged guilty, sentenced, or detained for the sale, delivery, or  
25 possession with intent to deliver a controlled substance in violation of § 21-28-4.01(a)(4)(i) or  
26 possession of a certain enumerated quantity of a controlled substance in violation of § 21-28-4.01.1  
27 or § 21-28-4.01.2; or

28 (v) Any person currently adjudged guilty of, or sentenced for, or detained on an offense  
29 involving the illegal possession of a firearm.

30 (b) **Findings prior to sentencing to community confinement.** In the case of adjudged  
31 persons, if the judge intends to impose a sentence of community confinement, he or she shall first  
32 make specific findings, based on evidence regarding the nature and circumstances of the offense  
33 and the personal history, character, record, and propensities of the defendant that are relevant to the

1 sentencing determination, and these findings shall be placed on the record at the time of sentencing.

2 These findings shall include, but are not limited to:

3 (1) A finding that the person does not demonstrate a pattern of behavior indicating a  
4 propensity for violent behavior;

5 (2) A finding that the person meets each of the eligibility criteria set forth in subsection (a)  
6 of this section;

7 (3) A finding that simple probation is not an appropriate sentence;

8 (4) A finding that the interest of justice requires, for specific reasons, a sentence of non-  
9 institutional confinement; and

10 (5) A finding that the person will not pose a risk to public safety if placed in community  
11 confinement.

12 The facts supporting these findings shall be placed on the record and shall be subject to  
13 review on appeal.

14 (c) **Community confinement.**

15 (1) There shall be established within the department of corrections, a community  
16 confinement program to serve that number of adjudged persons, sentenced persons, and detainees,  
17 that the director of the department of corrections (“director”) shall determine on or before July 1 of  
18 each year. Immediately upon that determination, the director shall notify the presiding justice of  
19 the superior court of the number of adjudged persons, sentenced persons, and detainees that can be  
20 accommodated in the community confinement program for the succeeding twelve (12) months.  
21 One-half (½) of all persons sentenced to community confinement shall be adjudged persons, and  
22 the balance shall be detainees and sentenced persons. The director shall provide to the presiding  
23 justice of the superior court and the family court on the first day of each month a report to set forth  
24 the number of adjudged persons, sentenced persons, and detainees participating in the community  
25 confinement program as of each reporting date. Notwithstanding any other provision of this section,  
26 if on April 1 of any fiscal year less than one-half (½) of all persons sentenced to community  
27 confinement shall be adjudged persons, then those available positions in the community  
28 confinement program may be filled by sentenced persons or detainees in accordance with the  
29 procedures set forth in subsection (c)(2) of this section.

30 (2) In the case of inmates other than those classified to community confinement under  
31 subsection (h) of this section, the director may make written application (“application”) to the  
32 sentencing judge for an order (“order”) directing that a sentenced person or detainee be confined  
33 within an eligible residence for a period of time, which in the case of a sentenced person, shall not  
34 exceed the term of imprisonment. This application and order shall contain a recommendation for a

1 program of supervision and shall contain the findings set forth in subsections (b)(1), (b)(2), (b)(3),  
2 (b)(4), and (b)(5) of this section and facts supporting these findings. The application and order may  
3 contain a recommendation for the use of electronic surveillance or monitoring devices. The hearing  
4 on this application shall be held within ten (10) business days following the filing of this  
5 application. If the sentencing judge is unavailable to hear and consider the application the presiding  
6 justice of the superior court shall designate another judge to do so.

7 (3) In lieu of any sentence that may be otherwise imposed upon any person subject to this  
8 section, the sentencing judge may cause an adjudged person to be confined within an eligible  
9 residence for a period of time not to exceed the term of imprisonment otherwise authorized by the  
10 statute the adjudged person has been adjudged guilty of violating.

11 (4) With authorization by the sentencing judge, or, in the case of sentenced persons  
12 classified to community confinement under subsection (h) of this section by the director of  
13 corrections, or in accordance with the order, persons confined under the provisions of this chapter  
14 may be permitted to exit the eligible residence in order to travel directly to and from their place of  
15 employment or education or training and may be confined in other terms or conditions consistent  
16 with the basic needs of that person that justice may demand, including the right to exit the eligible  
17 residence to which that person is confined for certain enumerated purposes such as religious  
18 observation, medical and dental treatment, participation in an education or vocational training  
19 program, and counseling, all as set forth in the order.

20 (d) **Administration.**

21 (1) **Community confinement.** The supervision of persons confined under the provisions  
22 of this chapter shall be conducted by the director, or his or her designee.

23 (2) **Intense surveillance.** The application and order shall prescribe a program of intense  
24 surveillance and supervision by the department of corrections. Persons confined under the  
25 provisions of this section shall be subject to searches of their persons or of their property when  
26 deemed necessary by the director, or his or her designee, in order to ensure the safety of the  
27 community, supervisory personnel, the safety and welfare of that person, and/or to ensure  
28 compliance with the terms of that person's program of community confinement; provided,  
29 however, that no surveillance, monitoring or search shall be done at manifestly unreasonable times  
30 or places nor in a manner or by means that would be manifestly unreasonable under the  
31 circumstances then present.

32 (3) The use of any electronic surveillance or monitoring device which is affixed to the body  
33 of the person subject to supervision is expressly prohibited unless set forth in the application and

1 order or, in the case of sentenced persons classified to community confinement under subsection  
2 (h), otherwise authorized by the director of corrections.

3 (4) **Regulatory authority.** The director shall have full power and authority to enforce any  
4 of the provisions of this section by regulation, subject to the provisions of the Administrative  
5 Procedures Act, chapter 35 of this title. Notwithstanding any provision to the contrary, the  
6 department of corrections may contract with private agencies to carry out the provisions of this  
7 section. The civil liability of those agencies and their employees, acting within the scope of their  
8 employment, and carrying out the provisions of this section, shall be limited in the same manner  
9 and dollar amount as if they were agencies or employees of the state.

10 (e) **Violations.** Any person confined pursuant to the provisions of this section, who is found  
11 to be a violator of any of the terms and conditions imposed upon him or her according to the order,  
12 or in the case of sentenced persons classified to community confinement under subsection (h),  
13 otherwise authorized by the director of corrections, this section, or any rules, regulations, or  
14 restrictions issued pursuant hereto shall serve the balance of his or her sentence in a classification  
15 deemed appropriate by the director. If that conduct constitutes a violation of § 11-25-2, the person,  
16 upon conviction, shall be subject to an additional term of imprisonment of not less than one year  
17 and not more than twenty (20) years. However, it shall be a defense to any alleged violation that  
18 the person was at the time of the violation acting out of a necessary response to an emergency  
19 situation. An “emergency situation” shall be construed to mean the avoidance by the defendant of  
20 death or of substantial personal injury, as defined above, to him or herself or to others.

21 (f) **Costs.** Each person confined according to this section shall reimburse the state for the  
22 costs or a reasonable portion thereof incurred by the state relating to the community confinement  
23 of those persons. Costs shall be initially imposed by the sentencing judge or in the order and shall  
24 be assessed by the director prior to the expiration of that person’s sentence. Once assessed, those  
25 costs shall become a lawful debt due and owing to the state by that person. Monies received under  
26 this section shall be deposited as general funds.

27 (g) **Severability.** Every word, phrase, clause, section, subsection, and any of the provisions  
28 of this section are hereby declared to be severable from the whole, and a declaration of  
29 unenforceability or unconstitutionality of any portion of this section, by a judicial court of  
30 competent jurisdiction, shall not affect the portions remaining.

31 (h) **Sentenced persons approaching release.** Notwithstanding the provisions set forth  
32 within this section, any sentenced person committed under the direct care, custody, and control of  
33 the adult correctional institutions, who is within one (1) year of the projected good time release  
34 date, provided that the person shall have completed at least one-half (½) of the full term of

1 incarceration, or any person who is sentenced to a term of six (6) months or less of incarceration,  
2 provided that the person shall have completed at least one-half (½) of the term of incarceration,  
3 may in the discretion of the director of corrections be classified to community confinement. This  
4 provision shall not apply to any person whose current sentence was imposed upon conviction of  
5 murder, first degree sexual assault or first degree child molestation.

6 (i) Persons sentenced to life without parole with a serious health condition.  
7 Notwithstanding the provisions set forth within this section, any person sentenced to life without  
8 parole committed under the direct care, custody, and control of the adult correctional institutions,  
9 who has a condition that renders him or her confined to a medical facility and who is sufficiently  
10 physically, mentally or otherwise disabled that the presence of correctional officers provides no  
11 additional safety to the public or the personnel caring for them in that facility, may, in the discretion  
12 of the director of corrections, be classified to community confinement in a medical facility with an  
13 electronic surveillance and/or monitoring device. In consultation with medical professionals, such  
14 an individual shall be removed from community confinement in a medical facility, if their medical  
15 condition improves or resolves to a degree that the presence of correctional officers does enhance  
16 the safety of the public and/or the personnel caring for them in that facility and be subject to a return  
17 to the adult correctional institutions.

18 ~~(j)~~ **(j) Notification to police departments.** The director, or his or her designee, shall notify  
19 the appropriate police department when a sentenced, adjudged or detained person has been placed  
20 into community confinement within that department’s jurisdiction. That notice will include the  
21 nature of the offense and the express terms and conditions of that person’s confinement. That notice  
22 shall also be given to the appropriate police department when a person in community confinement  
23 within that department’s jurisdiction is placed in escape status.

24 ~~(k)~~ **(k) No incarceration credit for persons awaiting trial.** No detainee shall be given  
25 incarceration credit by the director for time spent in community confinement while awaiting trial.

26 ~~(l)~~ **(l) No confinement in college or university housing facilities.** Notwithstanding any  
27 provision of the general laws to the contrary, no person eligible for community confinement shall  
28 be placed in any college or university housing facility, including, but not limited to, dormitories,  
29 fraternities or sororities. College or university housing facilities shall not be considered an “eligible  
30 residence” for “community confinement.”

31 ~~(m)~~ **(m)** A sentencing judge shall have authority to waive overnight stay or incarceration at  
32 the adult correctional institution after the sentencing of community confinement. The waiver shall  
33 be binding upon the adult correctional institution and the staff thereof, including, but not limited to  
34 the community confinement program.

1 SECTION 10. Sections 46-12.9-3, 46-12.9-5, and 46-12.9-11 of the General Laws in  
2 Chapter 46-12.9 entitled "Rhode Island Underground Storage Tank Financial Responsibility Act"  
3 are hereby amended to read as follows:

4 **46-12.9-3. Definitions**

5 When used in this chapter:

6 ~~(1) "Advisory board" means the Rhode Island underground storage tank financial~~  
7 ~~responsibility advisory board established pursuant to the provisions of § 46-12.9-8.~~

8 ~~(2)~~ (1) "Department" means the Rhode Island department of environmental management.

9 ~~(3)~~ (2) "Director" means the director of the department of environmental management, or  
10 his or her designee.

11 ~~(4)~~ (3) "Eligible costs" means costs, expenses, and other obligations as incurred by a  
12 responsible party for site investigation, site remediation, or other corrective action activities ordered  
13 or directed, and approved, by the department or performed by the responsible party and not  
14 specifically identified by the department as ineligible.

15 ~~(5)~~ (4) "Facility" means any parcel of real estate or contiguous parcels of real estate owned  
16 and/or operated by the same person(s), which together with all land, structures, facility components,  
17 improvements, fixtures, and other appurtenances located therein, form a distinct geographic unit  
18 and at which petroleum products or hazardous materials are or have been stored in underground  
19 storage tanks.

20 ~~(6)~~ (5) "Fund" means the Rhode Island underground storage tank financial responsibility  
21 fund established herein.

22 ~~(7)~~ (6) "Operator" means any person in control of, or having the responsibility for, the daily  
23 operation of an underground storage tank system.

24 ~~(8)~~ (7) "Owner" means any person, corporation, group, or other entity who or that holds  
25 exclusive or joint title to, or lawful possession of, a facility or part of a facility.

26 ~~(9)~~ (8) "Petroleum product" means crude oil, or any fractions thereof, that is liquid at  
27 standard conditions of temperature sixty degrees Fahrenheit (60°F) and pressure fourteen and seven  
28 tenths pounds per square inch absolute (14.7 psia) and includes substances derived from crude oil  
29 including, but not limited to, the following:

30 (i) Gasoline;

31 (ii) Fuel Oils;

32 (iii) Diesel Oils;

33 (iv) Waste Oils;

34 (v) Gasohol, lubricants and solvents.

1           ~~(10)~~ (9) "Release" means any spilling, leaking, pumping, pouring, injecting, emitting,  
2 escaping, leaching, discharging, or disposing of any material stored in an underground storage tank  
3 system subject to these regulations into groundwater, surface water, soil, air, or any other  
4 environmental media.

5           ~~(11)~~ (10) "Responsible party" means the person or persons liable for release of petroleum  
6 or the remediation of a release.

7           ~~(12)~~ (11) "Site" means any location at which, or from which, there has been a release of  
8 petroleum associated with an underground storage tank or an underground storage tank system, or  
9 any location to which such petroleum has migrated.

10          ~~(13)~~ (12) "UST" or "Underground storage tank system" means any one or more  
11 underground tanks, and their associated components, including piping, used to contain, transport,  
12 or store petroleum product or hazardous material whose volume is ten percent (10%) or more  
13 beneath the surface of the ground.

14           **46-12.9-5. Purpose of fund.**

15           (a) The purpose of the fund shall be to facilitate the clean-up of releases from leaking  
16 underground storage tanks, underground storage tank systems, including those located on sites in  
17 order to protect the environment, including drinking water supplies and public health.

18           (b) The fund shall provide reimbursement to responsible parties for the eligible costs  
19 incurred by them as a result of releases of certain petroleum from underground storage tanks or  
20 underground storage tank systems as provided herein. Monies in the fund shall be dispensed only  
21 upon the order of the department for the following purposes:

22           (1) The fund shall pay not more than one million dollars (\$1,000,000) per incident, and up  
23 to two million dollars (\$2,000,000) in the aggregate, for damages of eligible costs, as defined in  
24 regulations promulgated hereunder and, as further defined in § 46-12.9-3, excluding legal costs and  
25 expenses, incurred by a responsible party as a result of a release of petroleum from an underground  
26 storage tank or underground storage tank system; provided, however, that a responsible party may  
27 be responsible for the first twenty thousand dollars (\$20,000) of said eligible costs;

28           (2) Reimbursement for any third-party claim including, but not limited to, claims for bodily  
29 injury, property damage, and damage to natural resources that are asserted against a responsible  
30 party and that have arisen as a result of a release of petroleum from an underground storage tank  
31 or underground storage tank system, in an amount not to exceed one million dollars (\$1,000,000)  
32 for each release as set forth in subsection (b)(1); provided, that such claims are found by the  
33 department to be justified, reasonable, related to the release of petroleum, and not excessive or  
34 spurious in nature;

1 (3) Costs incurred by the department in carrying out the investigative, remedial, and  
2 corrective action activities at sites of a petroleum release associated with an underground storage  
3 tank or underground storage tank system where the responsible party fails to comply with an order  
4 of the department to undertake such activities. In the event of such failure or documented inability  
5 to comply, the department may access the fund to perform the ordered work and may proceed to  
6 recover from the responsible party, on behalf of the fund, any amount expended from the fund by  
7 the department;

8 (4) Nothing contained in this chapter shall be construed to prevent subrogation by the state  
9 of Rhode Island against any responsible party, other than the owner and/or operator, for all sums  
10 of money that the fund shall be obligated to pay hereunder, plus reasonable attorney's fees and costs  
11 of litigation and such right of subrogation is hereby created; and

12 (5) Eligible costs incurred by the department to support the fund, including, but not limited  
13 to, all personnel support to process and review claims in order to formulate recommendations for  
14 reimbursement for consideration, ~~and providing meeting space for board meetings~~; provided,  
15 however, that no more than five hundred and fifty thousand dollars (\$550,000) shall be dispensed  
16 from the fund for administrative purposes during any fiscal year. The department shall directly  
17 access the fund, pursuant to the limits set forth in subdivision (b)(1) of this section, to pay for such  
18 expenses.

19 (6) [Deleted by P.L. 2016, ch. 148, § 1 and P.L. 2016, ch. 160, § 1].

20 **46-12.9-11. Fundings.**

21 (a) There is hereby imposed an environmental protection regulatory fee of one cent (\$0.01)  
22 per gallon payable of motor fuel, to be collected by distributors of motor fuel when the product is  
23 sold to owners and/or operators of underground storage tanks. Each distributor shall be responsible  
24 to the tax administrator for the collection of the regulatory fee, and if the distributor is unable to  
25 recover the fee from the person who ordered the product, the distributor shall nonetheless remit to  
26 the tax administrator the regulatory fee associated with the delivery. In accordance with the  
27 regulations to be promulgated hereunder, the fee shall be collected, reported, and paid to the Rhode  
28 Island division of taxation as a separate, line-item entry, on a quarterly tax report by those persons  
29 charged with the collection, reporting, and payment of motor fuels taxes. This fee shall be  
30 administered and collected by the division of taxation. Notwithstanding the provisions of this  
31 section, the fee shall not be applicable to purchases by the United States government.

32 (b) Of the one-cent-per-gallon (\$0.01) environmental protection regulatory fee collected  
33 by distributors of motor fuel and paid to the Rhode Island division of taxation, one-half cent  
34 (\$0.005) shall be deposited in the intermodal surface transportation fund to be distributed pursuant

1 to § 31-36-20 and one-half cent (\$0.005) shall be paid to the fund. All environmental protection  
2 regulatory fees paid to the department shall be received by the department, which shall keep such  
3 money in a distinct, interest-bearing, restricted-receipt account to the credit of, and for the exclusive  
4 use of, the fund provided that for the period January 1, 2008, through June 30, 2008, all revenues  
5 generated by the environmental protection regulatory fee, up to a maximum of two million dollars  
6 (\$2,000,000), shall be deposited into the general fund. In fiscal year 2009, all revenues generated  
7 by the environmental protection regulatory fee, up to a maximum equivalent to two million two  
8 hundred thirty-seven thousand five hundred dollars (\$2,237,500), shall be deposited into the  
9 intermodal surface transportation fund. All fees collected may be invested as provided by law and  
10 all interest received on such investment shall be credited to the fund.

11 (c) When the fund reaches the sum of eight million dollars (\$8,000,000), the imposition of  
12 the fee set forth in this chapter shall be suspended, and the division of taxation shall notify all  
13 persons responsible for the collection, reporting, and payments of the fee of the suspension. In the  
14 event that the account balance of the fund subsequently is reduced to a sum less than five million  
15 dollars (\$5,000,000) as a result of fund activity, the fee shall be reinstated by the division of  
16 taxation, following proper notice thereof, and once reinstated, the collection, reporting, and  
17 payment of the fee shall continue until the account balance again reaches the sum of eight million  
18 dollars (\$8,000,000).

19 (d) Upon the determination by ~~the advisory board and~~ the department that the fund has  
20 reached a balance sufficient to satisfy all pending or future claims, the ~~advisory board~~ department  
21 shall recommend to the general assembly the discontinuation of the imposition of the fee created  
22 in this section.

23 SECTION 11. Section 46-12.9-8 of the General Laws in Chapter 46-12.9 entitled "Rhode  
24 Island Underground Storage Tank Financial Responsibility Act" is hereby repealed.

25 ~~**46-12.9-8. Advisory board.**~~

26 ~~(a) There is hereby authorized, created, and established the "underground storage tank~~  
27 ~~advisory board," to have such powers as are provided herein.~~

28 ~~(b) The advisory board shall consist of seven (7) members, as follows: the director of the~~  
29 ~~department of environmental management, or his or her designee, who shall be a subordinate within~~  
30 ~~the department of environmental management. The governor, with the advice and consent of the~~  
31 ~~senate, shall appoint six (6) public members, one of whom shall have expertise and experience in~~  
32 ~~financial matters. In making these appointments the governor shall give due consideration to~~  
33 ~~recommendations from the American Petroleum Institute, the Independent Oil Marketers~~  
34 ~~Association, the Oil Heat Institute, the Environment Council, the Independent Oil Dealers~~

1 ~~Association, and the Rhode Island Marine Trade Association. The newly appointed members will~~  
2 ~~serve for a term of three (3) years commencing on the day they are qualified. Any vacancy which~~  
3 ~~may occur on the board shall be filled by the governor, with the advice and consent of the senate,~~  
4 ~~for the remainder of the unexpired term in the same manner as the member's predecessor as~~  
5 ~~prescribed in this section. The members of the board shall be eligible to succeed themselves.~~  
6 ~~Members shall serve until their successors are appointed and qualified. No one shall be eligible for~~  
7 ~~appointment unless he or she is a resident of this state. The members of the board shall serve without~~  
8 ~~compensation. Those members of the board, as of the effective date of this act [July 15, 2005], who~~  
9 ~~were appointed to the board by members of the general assembly, shall cease to be members of the~~  
10 ~~board on the effective date of this act, and the governor shall thereupon nominate three (3)~~  
11 ~~members, each of whom shall serve the balance of the unexpired term of his or her predecessor.~~  
12 ~~Those members of the board, as of the effective date of this act [July 15, 2005], who were appointed~~  
13 ~~to the board by the governor, shall continue to serve the balance of their current terms. Thereafter,~~  
14 ~~the appointments shall be made by the governor as prescribed in this section.~~

15 ~~(c) The advisory board shall meet at the call of the chair. All meetings shall be held~~  
16 ~~consistent with chapter 46 of title 42.~~

17 ~~(d) The advisory board and its corporate existence shall continue until terminated by law.~~  
18 ~~Upon termination of the existence of the advisory board, all its rights and properties shall pass to~~  
19 ~~and be vested in the state.~~

20 ~~(e) The advisory board shall have the following powers and duties, together with all powers~~  
21 ~~incidental thereto or necessary for the performance of those stated in this chapter:~~

22 ~~(1) To elect or appoint officers and agents of the advisory board, and to define their duties:~~

23 ~~(2) To make and alter bylaws, not inconsistent with this chapter, for the administration of~~  
24 ~~the affairs of the advisory board. Such bylaws may contain provisions indemnifying any person~~  
25 ~~who is, or was, a director or a member of the advisory board, in the manner and to the extent~~  
26 ~~provided in § 7-6-6 of the Rhode Island nonprofit corporation act;~~

27 ~~(3) To oversee, review, and evaluate the condition and performance of the underground~~  
28 ~~storage tank fund and approve and submit an annual report after the end of each fiscal year to the~~  
29 ~~governor, the speaker of the house of representatives, the president of the senate, and the secretary~~  
30 ~~of state, of its activities during that fiscal year. The report shall provide information provided by~~  
31 ~~the department, including: an operating statement summarizing meetings held, including meeting~~  
32 ~~minutes, subjects addressed, and decisions rendered; a summary of the advisory board's actions,~~  
33 ~~fees levied, collected, or received, as prescribed in §§ 46-12.9-7 and 46-12.9-11, claims submitted,~~  
34 ~~verified, approved, modified, and denied, as prescribed in § 46-12.9-7, and reconsideration hearings~~

1 ~~held; a synopsis of any law suits or other legal matters related to the fund; and a summary of~~  
2 ~~performance during the previous fiscal year, including accomplishments, shortcomings, and~~  
3 ~~remedies; a briefing on anticipated activities in the upcoming fiscal year; and findings and~~  
4 ~~recommendations for improvements; and a summary of any training courses held pursuant to~~  
5 ~~subdivision (e)(4). The report shall be posted electronically as prescribed in § 42-20-8.2. The~~  
6 ~~advisory board may make recommendations or suggestions on the claims process and/or the~~  
7 ~~condition and management of the fund, and the department shall respond, in writing, to any of these~~  
8 ~~suggestions or recommendations; and~~

9 ~~(4) To conduct a training course for newly appointed and qualified members and new~~  
10 ~~designees of ex-officio members within six (6) months of their qualification or designation. The~~  
11 ~~course shall be developed by the executive director, approved by the board, and conducted by the~~  
12 ~~executive director. The board may approve the use of any board or staff members or other~~  
13 ~~individuals to assist with training. The training course shall include instruction in the following~~  
14 ~~areas: the provisions of chapter 12.9 of title 46, chapter 46 of title 42, chapter 14 of title 36 and~~  
15 ~~chapter 2 of title 38; and the board's rules and regulations. The director of the department of~~  
16 ~~administration shall, within ninety (90) days of the effective date of this act [July 15, 2005], prepare~~  
17 ~~and disseminate training materials relating to the provisions of chapter 14 of title 36, chapter 2 of~~  
18 ~~title 38, and chapter 46 of title 42.~~

19 ~~(f) Upon the passage of this act and the appointment and qualification of the three (3) new~~  
20 ~~members prescribed in subsection (b), the board shall elect, from among its members, a chair.~~  
21 ~~Thereafter, the board shall elect annually, in February, a chair from among the members. The board~~  
22 ~~may elect, from among its members, such other officers as it deems necessary.~~

23 ~~(g) Four (4) members of the board shall constitute a quorum and the vote of the majority~~  
24 ~~of the members present shall be necessary and shall suffice for any action taken by the board. No~~  
25 ~~vacancy in the membership of the board shall impair the right of a quorum to exercise all of the~~  
26 ~~rights and perform all of the duties of the board.~~

27 ~~(h) Members of the board shall be removable by the governor pursuant to § 36-1-7 and~~  
28 ~~removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall~~  
29 ~~be unlawful.~~

30 SECTION 12. This article shall take effect upon passage.

1 **ARTICLE 4**

2 **RELATING TO TAXES**

3 SECTION 1. Section 31-36-7 of Chapter 31-36 of the General Laws entitled "Motor Fuel  
4 Tax" is hereby amended as follows:

5 **31-36-7. Monthly report of distributors — Payment of tax.**

6 (a) **State requirements.** Every distributor shall, on or before the twentieth (20th) day of  
7 each month, render a report to the tax administrator, upon forms to be obtained from the tax  
8 administrator, of the amount (number of gallons) of fuels purchased, sold, or used by the distributor  
9 within this state and the amount of fuels sold by the distributor without this state from fuels within  
10 this state during the preceding calendar month, and, if required by the tax administrator as to  
11 purchases, the name or names of the person or persons from whom purchased and the date and  
12 amount of each purchase, and as to sales, the name or names of the person or persons to whom sold  
13 and the amount of each sale, and shall pay at the same time to the administrator tax at the rate of  
14 thirty-two cents (\$0.32) per gallon on all taxable gallons of fuel sold or used in this state.

15 (b) **Federal requirements.** In the event the federal government requires a certain portion  
16 of the gasoline tax to be dedicated for highway improvements, then the state controller is directed  
17 to establish a restricted receipt account and deposit that portion of gasoline tax receipts which brings  
18 the state into federal compliance.

19 (c) Beginning July 1, 2015, and every other year thereafter, through July 1, 2021, the  
20 gasoline tax shall be adjusted by the percentage of increase in the Consumer Price Index for all  
21 Urban Consumers (CPI-U) as published by the United States Bureau of Labor Statistics determined  
22 as of September 30 of the prior calendar year; said adjustment shall be rounded to the nearest one  
23 cent (\$.01) increment, provided that the total tax shall not be less than provided for in section (a).

24 (d) Beginning July 1, 2025, and every other year thereafter, the gasoline tax shall be  
25 adjusted by the percentage of increase in the Consumer Price Index for all Urban Consumers (CPI-  
26 U) as published by the United States Bureau of Labor Statistics determined as of September 30 of  
27 the prior calendar year; said adjustment shall be rounded to the nearest one cent (\$.01) increment,  
28 provided that the total tax shall not be less than provided for in subsection (a).

29 SECTION 2. Sections 44-18-18, 44-18-19, and 44-18-20 of the General Laws in  
30 Chapter 44-18 entitled "Sales and Use Taxes – Liability and Computation" are hereby  
31 amended to read as follows:

32 **44-18-18. Sales tax imposed.**

33 A tax is imposed upon sales at retail in this state, including charges for rentals of living  
34 quarters in hotels as defined in § 42-63.1-2, rooming houses, or tourist camps, at the rate of six

1 percent (6%) of the gross receipts of the retailer from the sales or rental charges; provided, that the  
 2 tax imposed on charges for the rentals applies only to the first period of not exceeding thirty (30)  
 3 consecutive calendar days of each rental; provided, further, that for the period commencing July 1,  
 4 1990, the tax rate is seven percent (7%); provided, further, that for the period commencing October  
 5 1, 2023, the tax rate is six and eighty-five one-hundredths percent (6.85%). The tax is paid to the  
 6 tax administrator by the retailer at the time and in the manner provided. Excluded from this tax are  
 7 those living quarters in hotels, rooming houses, or tourist camps for which the occupant has a  
 8 written lease for the living quarters which lease covers a rental period of twelve (12) months or  
 9 more.

10 **44-18-19. Collection of sales tax by retailer.**

11 The retailer shall add the tax imposed by this chapter to the sale price or charge, and when  
 12 added the tax constitutes a part of the price or charge, is a debt from the consumer or user to the  
 13 retailer, and is recoverable at law in the same manner as other debts; provided, that the amount of  
 14 tax that the retailer collects from the consumer or user is as follows:

15	<b>Amount of Sale</b>	<b>Amount of Tax</b>
16	\$0.01 to \$ .08 inclusive	No Tax
17	.09 to .24 inclusive	.01
18	.25 to .41 inclusive	.02
19	.42 to .58 inclusive	.03
20	.59 to .74 inclusive	.04
21	.75 to .91 inclusive	.05
22	.92 to 1.08 inclusive	.06

23 and where the amount of the sale is more than one dollar and eight cents (\$1.08) the amount  
 24 of the tax is computed at the rate of six percent (6%); provided, that the amount of tax that the  
 25 retailer collects from the consumer or user for the period commencing July 1, 1990 is as follows:

26	<b>Amount of Sale</b>	<b>Amount of Tax</b>
27	\$ 0.01 to \$ .07 inclusive	No Tax
28	.08 to .21 Inclusive	.01
29	.22 to .35 inclusive	.02
30	.36 to .49 inclusive	.03
31	.50 to .64 inclusive	.04
32	.65 to .78 inclusive	.05
33	.79 to .92 inclusive	.06
34	.93 to 1.07 inclusive	.07

1 and where the amount of the sale is more than one dollar and seven cents (\$1.07) the  
2 amount of the tax is computed at the rate of seven percent (7%); provided further, that the amount  
3 of tax that the retailer collects from the consumer or user for the period commencing October 1,  
4 2023, is as follows:

<u>Amount of Sale</u>	<u>Amount Tax</u>
<u>\$ 0.01 to \$ .07 inclusive</u>	<u>No Tax</u>
<u>.08 to .21 inclusive</u>	<u>.01</u>
<u>.22 to .36 inclusive</u>	<u>.02</u>
<u>.37 to .51 inclusive</u>	<u>.03</u>
<u>.52 to .65 inclusive</u>	<u>.04</u>
<u>.66 to .80 inclusive</u>	<u>.05</u>
<u>.81 to .94 inclusive</u>	<u>.06</u>
<u>.95 to 1.09 inclusive</u>	<u>.07</u>

14 and where the amount of the sale is more than one dollar and nine cents (\$1.09) the amount  
15 of the tax is computed at the rate of six and eighty-five one-hundredths percent (6.85%).

16 **44-18-20. Use tax imposed.**

17 (a) An excise tax is imposed on the storage, use, or other consumption in this state of  
18 tangible personal property; prewritten computer software delivered electronically or by load and  
19 leave; vendor-hosted prewritten computer software; specified digital products; or services as  
20 defined in § 44-18-7.3, including a motor vehicle, a boat, an airplane, or a trailer, purchased from  
21 any retailer at the rate of six percent (6%) of the sale price of the property.

22 (b) An excise tax is imposed on the storage, use, or other consumption in this state of a  
23 motor vehicle, a boat, an airplane, or a trailer purchased from other than a licensed motor vehicle  
24 dealer or other than a retailer of boats, airplanes, or trailers respectively, at the rate of six percent  
25 (6%) of the sale price of the motor vehicle, boat, airplane, or trailer.

26 (c) The word "trailer," as used in this section and in § 44-18-21, means and includes those  
27 defined in § 31-1-5(a) — (f) and also includes boat trailers, camping trailers, house trailers, and  
28 mobile homes.

29 (d) Notwithstanding the provisions contained in this section and in § 44-18-21 relating to the  
30 imposition of a use tax and liability for this tax on certain casual sales, no tax is payable in any  
31 casual sale:

32 (1) When the transferee or purchaser is the spouse, mother, father, brother, sister, or child  
33 of the transferor or seller;

1           (2) When the transfer or sale is made in connection with the organization, reorganization,  
2 dissolution, or partial liquidation of a business entity, provided:

3           (i) The last taxable sale, transfer, or use of the article being transferred or sold was  
4 subjected to a tax imposed by this chapter;

5           (ii) The transferee is the business entity referred to or is a stockholder, owner, member, or  
6 partner; and

7           (iii) Any gain or loss to the transferor is not recognized for income tax purposes under the  
8 provisions of the federal income tax law and treasury regulations and rulings issued thereunder;

9           (3) When the sale or transfer is of a trailer, other than a camping trailer, of the type  
10 ordinarily used for residential purposes and commonly known as a house trailer or as a mobile  
11 home; or

12           (4) When the transferee or purchaser is exempt under the provisions of § 44-18-30 or other  
13 general law of this state or special act of the general assembly of this state.

14           (e) The term "casual" means a sale made by a person other than a retailer, provided, that in  
15 the case of a sale of a motor vehicle, the term means a sale made by a person other than a licensed  
16 motor vehicle dealer or an auctioneer at an auction sale. In no case is the tax imposed under the  
17 provisions of subsections (a) and (b) of this section on the storage, use, or other consumption in  
18 this state of a used motor vehicle less than the product obtained by multiplying the amount of the  
19 retail dollar value at the time of purchase of the motor vehicle by the applicable tax rate; provided,  
20 that where the amount of the sale price exceeds the amount of the retail dollar value, the tax is  
21 based on the sale price. The tax administrator shall use as his or her guide the retail dollar value as  
22 shown in the current issue of any nationally recognized, used-vehicle guide for appraisal purposes  
23 in this state. On request within thirty (30) days by the taxpayer after payment of the tax, if the tax  
24 administrator determines that the retail dollar value as stated in this subsection is inequitable or  
25 unreasonable, he or she shall, after affording the taxpayer reasonable opportunity to be heard, re-  
26 determine the tax.

27           (f) Every person making more than five (5) retail sales of tangible personal property or  
28 prewritten computer software delivered electronically or by load and leave, or vendor-hosted  
29 prewritten computer software, or specified digital products, or services as defined in § 44-18-7.3  
30 during any twelve-month (12) period, including sales made in the capacity of assignee for the  
31 benefit of creditors or receiver or trustee in bankruptcy, is considered a retailer within the provisions  
32 of this chapter.

33           (g) (1) "Casual sale" includes a sale of tangible personal property not held or used by a  
34 seller in the course of activities for which the seller is required to hold a seller's permit or permits

1 or would be required to hold a seller's permit or permits if the activities were conducted in this  
2 state, provided that the sale is not one of a series of sales sufficient in number, scope, and character  
3 (more than five (5) in any twelve-month (12) period) to constitute an activity for which the seller  
4 is required to hold a seller's permit or would be required to hold a seller's permit if the activity were  
5 conducted in this state.

6 (2) Casual sales also include sales made at bazaars, fairs, picnics, or similar events by  
7 nonprofit organizations, that are organized for charitable, educational, civic, religious, social,  
8 recreational, fraternal, or literary purposes during two (2) events not to exceed a total of six (6)  
9 days duration each calendar year. Each event requires the issuance of a permit by the division of  
10 taxation. Where sales are made at events by a vendor that holds a sales tax permit and is not a  
11 nonprofit organization, the sales are in the regular course of business and are not exempt as casual  
12 sales.

13 (h) The use tax imposed under this section ~~for the period commencing July 1, 1990,~~ is at  
14 the rate ~~of seven percent (7%)~~ [and corresponding commencement date as set forth in § 44-18-18.](#)

15 SECTION 3. Effective on January 1, 2024, the title of Chapter 44-44 of the General Laws  
16 entitled "Taxation of Beverage Containers, Hard-To-Dispose Material and Litter Control  
17 Participation Permittee" is hereby amended to read as follows:

18 ~~CHAPTER 44-44~~  
19 ~~Taxation of Beverage Containers, Hard To Dispose Material and Litter Control~~  
20 ~~Participation Permittee~~

21 **CHAPTER 44-44**  
22 **TAXATION OF BEVERAGE CONTAINERS AND HARD-TO-DISPOSE**  
23 **MATERIAL**

24 SECTION 4. Effective on January 1, 2024, Sections 44-44-2, 44-44-17, 44-44-18,  
25 44-44-19, 44-44-20, and 44-44-22 of the General Laws in Chapter 44-44 entitled "Taxation  
26 of Beverage Containers, Hard-To-Dispose Material and Litter Control Participation Permittee" are  
27 hereby amended to read as follows:

28 [44-44-2. Definitions.](#)

29 As used in this chapter:

30 (1) "Beverage" means all non-alcoholic drinks for human consumption, except milk but  
31 including beer and other malt beverages.

32 (2) "Beverage container" means any sealable bottle, can, jar, or carton which contains a  
33 beverage.

1 (3) “Beverage retailer” means any person who engages in the sale of a beverage container  
2 to a consumer within the state of Rhode Island, including any operator of a vending machine.

3 (4) “Beverage wholesaler” means any person who engages in the sale of beverage  
4 containers to beverage retailers in this state, including any brewer, manufacturer, or bottler who  
5 engages in those sales.

6 (5) “Case” means:

7 (i) Forty-eight (48) beverage containers sold or offered for sale within this state when each  
8 beverage container has a liquid capacity of seven (7) fluid ounces or less;

9 (ii) Twenty-four (24) beverage containers sold or offered for sale within this state when  
10 each beverage container has a liquid capacity in excess of seven (7) fluid ounces but less than or  
11 equal to sixteen and nine tenths (16.9) fluid ounces;

12 (iii) Twelve (12) beverage containers sold or offered for sale within this state when each  
13 beverage container has a liquid capacity in excess of sixteen and nine tenths (16.9) fluid ounces but  
14 less than thirty-three and nine tenths (33.9) fluid ounces; and

15 (iv) Six (6) beverage containers sold or offered for sale within this state when each  
16 beverage container has a liquid capacity of thirty-three and nine tenths (33.9) fluid ounces or more.

17 ~~(6) A permit issued in accordance with § 44-44-3.1(1) is called a Class A permit.~~

18 ~~(7) A permit issued in accordance with § 44-44-3.1(2) is called a Class B permit.~~

19 ~~(8) A permit issued in accordance with § 44-44-3.1(3) is called a Class C permit.~~

20 ~~(9) A permit issued in accordance with § 44-44-3.1(4) is called a Class D permit.~~

21 ~~(10) A permit issued in accordance with § 44-44-3.1(5) is called a Class E permit.~~

22 ~~(11)~~(6) “Consumer” means any person who purchases a beverage in a beverage container  
23 for use or consumption with no intent to resell that filled beverage container.

24 ~~(12) “Gross receipts” means those receipts reported for each location to the tax~~  
25 ~~administrator included in the measure of tax imposed under chapter 18 of this title, as amended.~~  
26 ~~For those persons having multiple locations’ receipts reported to the tax administrator the “gross~~  
27 ~~receipts” to be aggregated shall be determined by each individual sales tax permit number. The~~  
28 ~~term gross receipts shall be computed without deduction for retail sales of items in activities other~~  
29 ~~than those which this state is prohibited from taxing under the constitution of the United States.~~

30 ~~(7)~~(3) “Hard-to-dispose material” is as defined in § 37-15.1-3.

31 ~~(8)~~(4) “Hard-to-dispose material retailer” means any person who engages in the retail sale  
32 of hard-to-dispose material (as defined in § 37-15.1-3) in this state.

33 ~~(9)~~(5) “Hard-to-dispose material wholesaler” means any person, wherever located, who  
34 engages in the sale of hard-to-dispose material (as defined in § 37-15.1-3) to customers for sale in

1 this state (including manufacturers, refiners, and distributors and retailers), and to other persons as  
2 defined above.

3 (106) “New vehicle” means any mode of transportation for which a certificate of title is  
4 required pursuant to title 31 and for which a certificate of title has not been previously issued in  
5 this state or any other state or country.

6 (117) “Organic solvent” is as defined in § 37-15.1-3.

7 (128) “Person” means any natural person, corporation, partnership, joint venture,  
8 association, proprietorship, firm, or other business entity.

9 ~~(19) “Prior calendar year” means the period beginning with January 1 and ending with~~  
10 ~~December 31 immediately preceding the permit application due date.~~

11 ~~(20) “Qualifying activities” means selling or offering for retail sale food or beverages for~~  
12 ~~immediate consumption and/or packaged for sale on a take-out or to-go basis regardless of whether~~  
13 ~~or not the items are subsequently actually eaten on or off the vendor’s premises.~~

14 (1321) “Vending machine” means a self-contained automatic device that dispenses for sale  
15 foods, beverages, or confection products.

16 **44-44-17. Deficiency determination — Determination without return.**

17 If any hard-to-dispose material wholesaler or hard-to-dispose material retailer or person or  
18 beverage ~~wholesaler or litter control participation permittee~~ fails to file a return or application or to  
19 keep records described in § 44-44-8, or if the tax administrator is not satisfied with the amount of  
20 taxes or fees paid to him or her, the tax administrator may compute and determine the amount  
21 required by this chapter to be paid to him or her upon the basis of the facts contained in the returns  
22 or applications which have been filed or upon the basis of any information in the tax administrator’s  
23 possession or that may come into his or her possession.

24 **44-44-18. Notice of determination.**

25 The tax administrator shall give written notice of his or her determination to the beverage  
26 wholesaler ~~or litter control participation permittee~~ or hard-to-dispose material wholesaler or hard-  
27 to-dispose material retailer or person. Except in the case of fraud or failure to make a return, or  
28 noncompliance with § 44-44-8, every notice of determination shall be mailed within three (3) years  
29 of the date the taxes first became due. The amount of this determination shall bear interest at the  
30 rate prescribed in § 44-1-7 from the date when taxes should have been paid until the date of  
31 payment.

32 **44-44-19. Payment of refunds.**

33 Whenever the tax administrator shall determine that any beverage wholesaler or hard-to-  
34 dispose material wholesaler or hard-to-dispose material retailer or person ~~or litter control~~

1 ~~participation permittee~~ is entitled to a refund of any moneys paid under the provisions of this  
2 chapter, or whenever a court of competent jurisdiction orders a refund of any moneys paid, the  
3 general treasurer shall, upon certification by the tax administrator, pay the refund from any moneys  
4 in the litter control account or hard-to-dispose material account other than those moneys already  
5 appropriated for the administration of the taxes and programs entitled by this chapter and § 37-15-  
6 13; provided, that no refund shall be allowed unless a claim for a refund is filed with the tax  
7 administrator within three (3) years from the date the overpayment was made. Every claim for a  
8 refund shall be made in writing, shall be in a form, and shall present only information that the tax  
9 administrator may, by regulation, require. Within thirty (30) days after disallowing any claim in  
10 whole or in part the tax administrator shall give written notice of his or her decision to the beverage  
11 wholesaler or hard-to-dispose material wholesaler or hard-to-dispose material retailer or person ~~or~~  
12 ~~litter control participation permittee~~. A refund of less than ten dollars (\$10.00) will not be  
13 processed, but may be credited to the following month's return without interest.

14 ~~44-44-20. Hearing on application by beverage wholesaler or litter control~~  
15 ~~participation permittee.~~

16 Any person aggrieved by any assessment or decision of the tax administrator shall notify  
17 the tax administrator and request a hearing, in writing, within thirty (30) days from the date of  
18 mailing of the assessment or decision. The tax administrator or a hearing officer designated by the  
19 tax administrator shall, as soon as practicable, fix a time and place for the hearing and, after the  
20 hearing, determine the correct amount of the tax and interest.

21 ~~44-44-22. Information confidential.~~

22 It shall be unlawful for any state official or employee to divulge or to make known to any  
23 person in any manner not provided by law the amount or source of income, profits, losses,  
24 expenditures, or any particular of these set forth or disclosed in any return, ~~permit application~~ or  
25 other record required under this chapter, or to permit any return, ~~permit application~~, or other record  
26 required by this chapter or copy of a record, or any book containing any abstract or particulars to  
27 be seen or examined by any person except as provided by law. Any offense against this provision  
28 shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not  
29 exceeding one year, or both, at the discretion of the court.

30 SECTION 5. Effective on January 1, 2024, Sections 44-44-3.1, 44-44-3.2, 44-44-3.3, 44-  
31 44-3.4, and 44-44-3.5 of the General Laws in Chapter 44-44 entitled "Taxation of Beverage  
32 Containers, Hard-To-Dispose Material and Litter Control Participation Permittee" are hereby  
33 repealed.

34 ~~44-44-3.1. Permit required.~~

1 Commencing August 1, 1988, every person engaging in, or desiring to engage in activities  
2 described in § 44-44-2(20), shall annually file an application with the tax administrator for a litter  
3 control participation permit, hereinafter called a "permit", for each place of business in Rhode  
4 Island. In those cases where the only qualifying activity is the operation of vending machines, the  
5 person shall either obtain a Class A permit for each vending machine or obtain a permit based on  
6 total gross receipts. All applications shall be in a form, including information and bearing signatures  
7 that the tax administrator may require. At the time of making an application, the applicant shall pay  
8 the tax administrator a permit fee based as follows:

9 (1) For the applicant whose gross receipts for the prior calendar year measured less than  
10 fifty thousand dollars (\$50,000), a fee of twenty five dollars (\$25.00);

11 (2) For the applicant whose gross receipts for the prior calendar year measured at least fifty  
12 thousand dollars (\$50,000), but less than one hundred thousand dollars (\$100,000), a fee of thirty  
13 five dollars (\$35.00);

14 (3) For the applicant whose gross receipts for the calendar year measured at least one  
15 hundred thousand dollars (\$100,000), but less than four hundred thousand dollars (\$400,000), a fee  
16 of seventy five dollars (\$75.00);

17 (4) For the applicant whose gross receipts for the prior calendar year measured at least four  
18 hundred thousand dollars (\$400,000), but less than one million dollars (\$1,000,000), a fee of one  
19 hundred dollars (\$100); and

20 (5) For the applicant whose gross receipts for the prior calendar year measured one million  
21 dollars (\$1,000,000) or more, a fee of one hundred twenty five dollars (\$125) for each one million  
22 dollars (\$1,000,000) or fraction of this amount. The fee in this subdivision shall not exceed the sum  
23 of one thousand dollars (\$1,000) for each permit at each place of business in Rhode Island when  
24 the "qualifying activities" referred to in this section and defined in § 44-44-2(20) and the sale of  
25 food products do not exceed ten percent (10%) of the gross receipts for each permit.

26 **44-44-3.2. Penalty for operation without a permit — Injunctive relief.**

27 (a) Any person who engages (or the officer of a corporation engaged) in activities described  
28 in § 44-44-2(20) without the permit required by this chapter shall be guilty of a misdemeanor and  
29 shall, for each offense, be fined not more than one thousand dollars (\$1,000), or be imprisoned for  
30 not more than one year, or punished by both a fine and imprisonment. Each day in which a person  
31 is so engaged shall constitute a separate offense.

32 (b) The superior court of this state shall have jurisdiction of restraining any person from  
33 engaging in activities described in § 44-44-2(20) without the proper permit as prescribed in this

1 ~~chapter. The tax administrator may institute proceedings to prevent and restrain violations of this~~  
2 ~~chapter.~~

3 ~~**44-44-3.3. Partial periods.**~~

4 ~~(a)(1) Each applicant which did not do business at a particular location during the prior~~  
5 ~~calendar year for the purposes of determining the proper fee in accordance with § 44-44-3.1 may,~~  
6 ~~for application purposes, only apply for a Class A permit for that location.~~

7 ~~(2) For purposes of this section, the term “applicant” shall not include any person who~~  
8 ~~purchases an ongoing business and continues to operate the same type of business from the same~~  
9 ~~location without interruption of thirty (30) days or more immediately following the purchase of the~~  
10 ~~business.~~

11 ~~(b) Any permittee ceasing business at a location before the annual expiration date of permit~~  
12 ~~shall return the permit to the tax administrator for cancellation.~~

13 ~~(c) The fees set forth in § 44-44-3.1 are neither proratable nor refundable for partial periods~~  
14 ~~of operation at a specific location.~~

15 ~~(d) A person who purchases an ongoing business and continues to operate the business in~~  
16 ~~the same location in a calendar year for which the prior permit holder has paid the applicable fee~~  
17 ~~may obtain a permit for the remainder of that calendar year upon payment of a twenty five dollar~~  
18 ~~(\$25.00) fee.~~

19 ~~**44-44-3.4. Issuance of permit — Assignment prohibited — Display.**~~

20 ~~Upon receipt of the required application and permit fee, the tax administrator shall issue to~~  
21 ~~the applicant a separate permit for each location in Rhode Island. A permit is not assignable and is~~  
22 ~~valid only for the person in whose name it was issued and only for the business location shown in~~  
23 ~~the permit. It shall at all times be conspicuously displayed at the location for which it was issued.~~

24 ~~**44-44-3.5. Application due date — Weekends and holidays — Mailing.**~~

25 ~~(a) Each applicant shall apply for a permit prior to engaging in the activities described in §~~  
26 ~~44-44-2(20) for each location in Rhode Island and, after this, shall annually reapply on or before~~  
27 ~~August 1 of each year.~~

28 ~~(b) When the application due date, or any other due date for activity by an applicant or~~  
29 ~~permittee, falls on a Saturday, Sunday, or Rhode Island legal holiday, the application or activity~~  
30 ~~will be considered timely if it is performed on the next succeeding day which is not a Saturday,~~  
31 ~~Sunday, or Rhode Island legal holiday.~~

32 ~~(c) When any application, payment or other document required to be filed on or before a~~  
33 ~~prescribed date set forth in this chapter is delivered after the required date by United States Post~~  
34 ~~Office to the tax administrator, office, officer, or person with which or with whom the document is~~

1 ~~required to be filed, the date on which the document is dated by the post office shall be deemed to~~  
2 ~~be the date of delivery. This subsection shall apply only if the document was, within the prescribed~~  
3 ~~time, deposited in the mail with United States postage prepaid and properly addressed.~~

4 SECTION 6. Sections 1 and 2 of this article shall take effect upon passage. Sections 3  
5 through 5 shall take effect on January 1, 2024.

1 **ARTICLE 5**

2 **RELATING TO ENERGY AND THE ENVIRONMENT**

3 SECTION 1. Sections 23-24.12-2 and 23-24.12-3 of the General Laws in Chapter 23-24.12  
4 entitled "Proper Management of Unused Paint" are hereby amended to read as follows:

5 **23-24.12-2. Management of unused architectural paint — Definitions.**

6 (1) "Architectural paint" means interior and exterior architectural coatings sold in  
7 containers of five (5) gallons or less. Architectural paint does not include industrial, original  
8 equipment or specialty coatings.

9 (2) "Department" means the department of environmental management.

10 (3) "Director" means the director of the department of environmental management.

11 (4) "Distributor" means a company that has a contractual relationship with one or more  
12 producers to market and sell architectural paint to retailers in this state.

13 (5) "Environmentally sound management practices" means procedures for the collection,  
14 storage, transportation, reuse, recycling and disposal of architectural paint, to be implemented by  
15 the ~~representative~~ implementing organization or such ~~representative~~ implementing organization's  
16 contracted partners to ensure compliance with all applicable federal, state and local laws,  
17 regulations and ordinances and the protection of human health and the environment.  
18 Environmentally sound management practices include, but are not limited to, record keeping, the  
19 tracking and documenting of the use and disposition of post-consumer paint in and outside of this  
20 state, and environmental liability coverage for professional services and for the operations of the  
21 contractors working on behalf of the ~~representative~~ implementing organization.

22 (6) "Paint stewardship assessment" means the amount added to the purchase price of  
23 architectural paint sold in this state that is necessary to cover the cost of collecting, transporting  
24 and processing post-consumer paint by the ~~representative~~ implementing organization pursuant to  
25 the paint stewardship program.

26 (7) "Post-consumer paint" means architectural paint that is not used and that is no longer  
27 wanted by a purchaser of architectural paint.

28 (8) "Producer" means a manufacturer of architectural paint who sells, offers for sale,  
29 distributes or contracts to distribute architectural paint in this state.

30 (9) "Recycling" means any process by which discarded products, components and by-  
31 products are transformed into new, usable or marketable materials in a manner in which the original  
32 products may lose their identity.

33 (10) "~~Representative~~ Implementing organization" means the ~~nonprofit~~ organization ~~created~~  
34 ~~by producers~~ selected by the department to implement the paint stewardship program described in

1 § ~~23-24.11-3~~ 23-24.12-3.

2 (11) “Retailer” means any person who offers architectural paint for sale at retail in this  
3 state.

4 (12) “Reuse” means the return of a product into the economic stream for use in the same  
5 kind of application as the product was originally intended to be used, without a change in the  
6 product’s identity.

7 (13) “Sell” or “sale” means any transfer of title for consideration including, but not limited  
8 to, remote sales conducted through sales outlets, catalogues, the Internet or any other similar  
9 electronic means.

10 **23-24.12-3. Establishment of paint stewardship program.**

11 ~~(a) On or before March 1, 2014, each producer shall join the representative organization~~  
12 ~~and such representative organization shall submit a plan for the establishment of a paint stewardship~~  
13 ~~program to the department for approval. The program shall minimize the public sector involvement~~  
14 ~~in the management of post consumer paint by reducing the generation of post consumer paint,~~  
15 ~~negotiating agreements to collect, transport, reuse, recycle, and/or burn for energy recovery at an~~  
16 ~~appropriately licensed facility post consumer paint using environmentally sound management~~  
17 ~~practices. No later than December 31, 2023, and every five years thereafter, the department shall~~  
18 ~~issue a solicitation seeking an organization or entity to implement and administer the paint~~  
19 ~~stewardship program as described in this section. The solicitation shall be competitive and~~  
20 ~~administered consistent with state procurement law. The paint stewardship program in effect at the~~  
21 ~~time that this statute is enacted shall remain in effect until such time as an organization or entity is~~  
22 ~~selected by the department to administer the program.~~

23 ~~(b) The program shall also provide for convenient and available state wide collection of~~  
24 ~~post consumer paint that, at a minimum, provides for collection rates and convenience greater than~~  
25 ~~the collection programs available to consumers prior to such paint stewardship program; propose a~~  
26 ~~paint stewardship assessment; include a funding mechanism that requires each producer who~~  
27 ~~participates in the representative organization to remit to the representative organization payment~~  
28 ~~of the paint stewardship assessment for each container of architectural paint sold within the state;~~  
29 ~~include an education and outreach program to help ensure the success of the program; and, work~~  
30 ~~with the department and Rhode Island commerce corporation to identify ways in which the state~~  
31 ~~can motivate local infrastructure investment, business development and job creation related to the~~  
32 ~~collection, transportation and processing of post consumer paint. Each proposal submitted to the~~  
33 ~~department shall include, at a minimum, the following elements:~~

34 (1) Recommendations to minimize the public sector involvement in the management of

1 post-consumer paint by reducing the generation of post-consumer paint, negotiating agreements to  
2 collect, transport, reuse, recycle, and/or burn for energy recovery at an appropriately licensed  
3 facility post-consumer paint using environmentally sound management practices.

4 (2) A proposed program that will provide for convenient and available state-wide collection  
5 of post-consumer paint that, at a minimum, provides for collection rates and convenience greater  
6 than the collection programs available to consumers prior to such paint stewardship program;  
7 propose a paint stewardship assessment; include a funding mechanism that requires each producer  
8 to remit to the implementing organization payment of the paint stewardship assessment for each  
9 container of architectural paint sold within the state; include an education and outreach program to  
10 help ensure the success of the program; and, work with the department and Rhode Island commerce  
11 corporation to identify ways in which the state can motivate local infrastructure investment,  
12 business development and job creation related to the collection, transportation and processing of  
13 post-consumer paint.

14 (c) ~~The plan submitted to the department pursuant to this section shall~~ Each proposal shall  
15 also:

16 (1) Identify each producer ~~participating~~ that will participate in the paint stewardship  
17 program ~~and the brands of architectural paint sold in this state covered by the program;~~

18 (2) Identify how the ~~representative~~ implementing organization will provide convenient,  
19 statewide accessibility to the program;

20 (3) Set forth the process by which an independent auditor will be selected and identify the  
21 criteria used by the ~~representative~~ implementing organization in selecting an independent auditor;

22 (4) Identify, in detail, the educational and outreach program that will be implemented to  
23 inform consumers and retailers of the program and how to participate;

24 (5) Identify the methods and procedures under which the paint stewardship program will  
25 be coordinated with the Rhode Island resource recovery corporation;

26 (6) Identify, in detail, the operational plans for interacting with retailers on the proper  
27 handling and management of post-consumer paint;

28 (7) Include the proposed, audited paint assessment as identified in this section;

29 (8) Include the targeted annual collection rate; and

30 (9) Include a description of the intended treatment, storage, transportation and disposal  
31 options and methods for the collected post-consumer paint. ~~;~~ and

32 ~~(10) Be accompanied by a fee in the amount of two thousand five hundred dollars (\$2,500)~~  
33 ~~to be deposited into the environmental response fund to cover the review of said plan by the~~  
34 ~~department.~~

1 ~~(d) Not later than sixty (60) days after submission of a plan pursuant to this section, the~~  
2 ~~department shall make a determination whether to:~~

3 ~~(1) Approve the plan as submitted;~~

4 ~~(2) Approve the plan with conditions; or~~

5 ~~(3) Deny the plan.~~

6 ~~(e) Not later than three (3) months after the date the plan is approved, the representative~~  
7 ~~organization shall implement the paint stewardship program.~~

8 ~~(fd) On or before March 1, 2014, the representative organization~~ Each proposal shall  
9 propose a uniform paint stewardship assessment for all architectural paint sold in this state. The  
10 proposed paint stewardship assessment shall be sufficient to cover the costs of administering the  
11 program. The assessment may also be used to create a reserve fund, provided that such reserve fund  
12 shall not exceed 50% of projected program costs in any given year. If the reserve fund is projected  
13 to exceed 50% of projected program costs, the implementing organization shall immediately  
14 propose to the department an amendment to the approved plan which will reduce the paint  
15 stewardship assessment in the following calendar year by an amount sufficient to cause the reserve  
16 fund to not exceed 50% of projected program costs. The department shall have the authority to cap  
17 administrative expenses at a percentage of program costs as part of any contract awarded to  
18 administer the paint stewardship program. ~~Such proposed paint stewardship assessment shall be~~  
19 ~~reviewed by an independent auditor to assure that such assessment is consistent with the budget of~~  
20 ~~the paint stewardship program described in this section and such independent auditor shall~~  
21 ~~recommend an amount for such paint stewardship assessment to the department. The department~~  
22 ~~shall be responsible for the approval of such paint stewardship assessment based upon the~~  
23 ~~independent auditor's recommendation. If the paint stewardship assessment previously approved~~  
24 ~~by the department pursuant to this section is proposed to be changed, the representative~~  
25 ~~organization shall submit the new, adjusted uniform paint stewardship assessment to an~~  
26 ~~independent auditor for review. After such review has been completed, the representative~~  
27 ~~organization shall submit the results of said auditor's review and a proposal to amend the paint~~  
28 ~~stewardship assessment to the department for review. The department shall review and approve, in~~  
29 ~~writing, the adjusted paint stewardship assessment before the new assessment can be implemented.~~  
30 ~~Any proposed changes to the paint stewardship assessment shall be submitted to the department no~~  
31 ~~later than sixty (60) days prior to the date the representative organization anticipates the adjusted~~  
32 ~~assessment to take effect.~~

33 ~~(ge)~~ On and after the date of implementation of the paint stewardship program pursuant to  
34 this section, the paint stewardship assessment shall be added to the cost of all architectural paint

1 sold to retailers and distributors in this state by each producer. On and after such implementation  
2 date, each retailer or distributor, as applicable, shall add the amount of such paint stewardship  
3 assessment to the purchase price of all architectural paint sold in this state.

4 (hf) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant  
5 to such paint stewardship program and in accordance with any applicable provision of law or  
6 regulation.

7 (ig) Each producer and the ~~representative~~ implementing organization shall be immune from  
8 liability for any claim of a violation of antitrust law or unfair trade practice if such conduct is a  
9 violation of antitrust law, to the extent such producer or ~~representative~~ implementing organization  
10 is exercising authority pursuant to the provisions of this section.

11 (jh) Not later than the implementation date of the paint stewardship program, the  
12 department shall list ~~the names of participating producers the brands of architectural paint covered~~  
13 ~~by such paint stewardship program and~~ the cost of the approved paint stewardship assessment on  
14 its website.

15 (ki)(1) On and after the implementation date of the paint stewardship program, no producer,  
16 distributor or retailer shall sell or offer for sale architectural paint to any person in this state if the  
17 ~~producer of such architectural paint is not a member of~~ paint stewardship assessment is not  
18 collected and remitted to the ~~representative~~ implementing organization.

19 (2) No retailer or distributor shall be found to be in violation of the provisions of this section  
20 if, on the date the architectural paint was ordered from the producer or its agent, the producer or  
21 the subject brand of architectural paint was listed on the department's website in accordance with  
22 the provisions of this section.

23 (lj) Producers or the ~~representative~~ implementing organization shall provide retailers with  
24 educational materials regarding the paint stewardship assessment and paint stewardship program  
25 to be distributed at the point of sale to the consumer. Such materials shall include, but not be limited  
26 to, information regarding available end-of-life management options for architectural paint offered  
27 through the paint stewardship program and information that notifies consumers that a charge for  
28 the operation of such paint stewardship program is included in the purchase price of all architectural  
29 paint sold in this state.

30 (mk) On or before October 15, 2015, and annually thereafter, the ~~representative~~  
31 implementing organization shall submit a report to the director of the department of environmental  
32 management that details the paint stewardship program. Said report shall include a copy of the  
33 independent audit detailed in subdivision (4) below. Such annual report shall include, but not be  
34 limited to:

- 1 (1) A detailed description of the methods used to collect, transport and process post-  
2 consumer paint in this state;
- 3 (2) The overall volume of post-consumer paint collected in this state;
- 4 (3) The volume and type of post-consumer paint collected in this state by method of  
5 disposition, including reuse, recycling and other methods of processing or disposal;
- 6 (4) The total cost of implementing the program, as determined by an independent financial  
7 audit, as performed by an independent auditor;
- 8 (5) An evaluation of the adequacy of the program's funding mechanism;
- 9 (6) Samples of all educational materials provided to consumers of architectural paint and  
10 participating retailers; and
- 11 (7) A detailed list of efforts undertaken and an evaluation of the methods used to  
12 disseminate such materials including recommendations, if any, for how the educational component  
13 of the program can be improved.

14 (n) The ~~representative~~ implementing organization ~~shall~~ may update the plan, as needed,  
15 when there are changes proposed to the current program. ~~An new plan or~~ an amendment to the existing  
16 plan will be required to be submitted to the department for approval when:

- 17 (1) There is a proposed change to the amount of the assessment; or
- 18 (2) There is an addition to the products covered under the program; or
- 19 (3) There is a revision of the product stewardship organization's goals; ~~or~~

20 ~~(4) Every four (4) years, if requested, in writing, by the department the representative~~  
21 ~~organization shall notify the department annually, in writing, if there are no changes proposed to~~  
22 ~~the program and the representative organization intends to continue implementation of the program~~  
23 ~~as previously approved by the department.~~

24 (m) Upon selection of a new implementing organization to administer the paint stewardship  
25 program, the program shall be audited by the independent auditor and, upon certification of the  
26 audit by the department, any funds held by the previous implementing organization shall be  
27 immediately transferred to the department. These funds shall then be transferred by the department  
28 to the new implementing organization for use in administering the approved paint stewardship  
29 program.

30 (n) If there are no respondents to the solicitation required by this section, or the department  
31 determines that none of the responses are sufficient to meet the requirements of this section, the  
32 Rhode Island resource recovery corporation established pursuant to § 23-19 et. seq. shall serve as  
33 the implementing organization, as defined in this chapter, until such time as another solicitation is  
34 required to occur by this section.

1 SECTION 2. Sections 23-90-2, 23-90-3, 23-90-5, 23-90-6, 23-90-8, 23-90-10 of the  
2 General Laws in Chapter 23-90 entitled “Responsible Recycling, Reuse and Disposal of  
3 Mattresses” are hereby amended to read as follows:

4 **23-90-2. Findings.**

5 The general assembly hereby finds and declares that:

6 (1) It is in the best interest of this state for providers of mattresses sold in Rhode Island to  
7 take responsibility for reducing the environmental and financial impacts of a mattress over its life  
8 cycle, from design to management after the end of a mattress’s useful life;

9 (2) It is in the best interest of this state to reduce illegal dumping of discarded mattresses  
10 and determine a process for minimizing costs incurred by Rhode Island’s cities and towns for the  
11 management of discarded mattresses; and

12 (3) It is in the best interest of this state for producers to develop a statewide product  
13 stewardship system that serves urban and rural areas in Rhode Island and provides cost-effective,  
14 convenient opportunities for the collection, transportation, recovery and safe management of  
15 discarded products.

16 **23-90-3. Definitions.**

17 As used in this chapter, the following words shall, unless the context clearly requires  
18 otherwise, have the following meanings:

19 (1) “Brand” means a name, symbol, word or mark that attributes a mattress to the producer  
20 of such mattress.

21 (2) “Covered entity” means any political subdivision of the state, any mattress retailer, any  
22 permitted transfer station, any waste to energy facility, any healthcare facility, any educational  
23 facility, any correctional facility, any military base, or any commercial or non profit lodging  
24 establishment that possesses a discarded mattress that was discarded in this state. Covered entity  
25 does not include any renovator, refurbisher or any person who transports a discarded mattress.

26 (3) “Consumer” means an individual who is also a resident of this state.

27 (4) “Corporation” means the Rhode Island Resource Recovery Corporation.

28 (5) “Corporation Director” means the executive director of the Rhode Island Resource  
29 Recovery Corporation.

30 ~~(6) “Council” or “mattress recycling council” means the state-wide, non-profit organization~~  
31 ~~created by producers, or created by any trade association that represents producers, who account~~  
32 ~~for a majority of mattress production in the United States to design, submit, and implement the~~  
33 ~~mattress stewardship plan as described in this chapter.~~

34 (7) “Discarded mattress” means any mattress that a consumer intends to discard, has

1 discarded, or that is abandoned.

2 (87) “Energy recovery” means the process by which all or a portion of solid waste materials  
3 are processed or combusted in order to utilize the heat content or other forms of energy derived  
4 from such solid waste materials.

5 (98) “Foundation” means any ticking-covered structure that is used to support a mattress  
6 and that is composed of one or more of the following: A constructed frame, foam, or a box spring.  
7 “Foundation” does not include any bed frame or base made of wood, metal, or other material that  
8 rests upon the floor and that serves as a brace for a mattress.

9 (9) “Implementing organization” means the organization or entity selected by the resource  
10 recovery corporation to administer the mattress stewardship program.

11 (10) “Mattress” means any resilient material, or combination of materials, that is enclosed  
12 by ticking, used alone or in combination with other products, and that is intended for, or promoted  
13 for, sleeping upon. “Mattress” includes any foundation, renovated foundation, or renovated  
14 mattress.

15 “Mattress” does not include any of the following:

16 (i) An unattached mattress pad, an unattached mattress topper, including any item with  
17 resilient filling, with or without ticking, that is intended to be used with, or on top of a mattress;

18 (ii) A sleeping bag, pillow;

19 (iii) A crib or bassinet mattress, car bed;

20 (iv) Juvenile products, including: a carriage, basket, dressing table, stroller, playpen, infant  
21 carrier, lounge pad, crib bumper, and the pads for those juvenile products;

22 (v) A product that contains liquid- or gaseous-filled ticking, including any water bed or air  
23 mattress that does not contain upholstery material between the ticking and the mattress core;

24 (vi) Any upholstered furniture that does not contain a detachable mattress; or

25 (vii) A fold-out sofa bed or futon.

26 (11) “Mattress core” means the main support system that is present in a mattress, including,  
27 but not limited to: springs, foam, air bladder, water bladder, or resilient filling.

28 ~~(12) “Mattress recycling council” or “council” means the organization created by producers~~  
29 ~~to design, submit, and implement the mattress stewardship program described in § 23-90-5.~~

30 (1312) “Mattress stewardship fee” means the amount added to the purchase price of a  
31 mattress sold in this state that is necessary to cover the cost of collecting, transporting, and  
32 processing discarded mattresses by the council pursuant to the mattress stewardship program.

33 (1413) “Mattress stewardship program” or “program” means the state wide, program  
34 described in § 23-90-5 and implemented pursuant to the mattress stewardship plan as approved by

1 the corporation director.

2 ~~(1514)~~ “Mattress topper” means any item that contains resilient filling, with or without  
3 ticking, that is intended to be used with or on top of a mattress.

4 ~~(1615)~~ “Performance goal” means a metric proposed by the council, to measure, on an  
5 annual basis, the performance of the mattress stewardship program, taking into consideration  
6 technical and economic feasibilities, in achieving continuous, meaningful improvement in  
7 improving the rate of mattress recycling in the state and any other specified goal of the program.

8 ~~(1716)~~ “Producer” means any person who manufactures or renovates a mattress that is sold,  
9 offered for sale, or distributed in the state under the manufacturer’s own name or brand. “Producer”  
10 includes:

11 (i) The owner of a trademark or brand under which a mattress is sold, offered for sale, or  
12 distributed in this state, whether or not such trademark or brand is registered in this state; and

13 (ii) Any person who imports a mattress into the United States that is sold or offered for sale  
14 in this state and that is manufactured or renovated by a person who does not have a presence in the  
15 United States;

16 ~~(1817)~~ “Recycling” means any process in which discarded mattresses, components, and  
17 by-products may lose their original identity or form as they are transformed into new, usable, or  
18 marketable materials. “Recycling” does not include as a primary process the use of incineration for  
19 energy recovery or energy generation by means of combustion.

20 ~~(1918)~~ “Renovate” or “renovation” means altering a mattress for the purpose of resale and  
21 includes any one, or a combination of, the following: Replacing the ticking or filling, adding  
22 additional filling, rebuilding a mattress, or replacing components with new or recycled materials.  
23 “Renovate” or “renovation” does not include the:

24 (i) Stripping of a mattress of its ticking or filling without adding new material;

25 (ii) Sanitization or sterilization of a mattress without otherwise altering the mattress; or

26 (iii) Altering of a mattress by a renovator when a person retains the altered mattress for  
27 personal use, in accordance with regulations of the department of business regulation.

28 ~~(2019)~~ “Renovator” means a person who renovates discarded mattresses for the purpose of  
29 reselling such mattresses in a retail store.

30 ~~(2120)~~ “Retailer” means any person who sells mattresses in this state or offers mattresses  
31 in this state to a consumer through any means, including, but not limited to, remote offerings such  
32 as sales outlets, catalogs, or the internet.

33 ~~(2221)~~ “Sanitization” means the direct application of chemicals to a mattress to kill human  
34 disease-causing pathogens.

1 (2322) “-Sale” means the transfer of title of a mattress for consideration, including through  
2 the use of a sales outlet, catalog, internet website, or similar electronic means.

3 (2423) “Sterilization” means the mitigation of any deleterious substances or organisms  
4 including human disease-causing pathogens, fungi, and insects from a mattress or filling material  
5 using a process approved by the department of business regulation.

6 (2524) “Ticking” means the outermost layer of fabric or material of a mattress. “Ticking”  
7 does not include any layer of fabric or material quilted together with, or otherwise attached to, the  
8 outermost layer of fabric or material of a mattress.

9 (2625) “Upholstery material” means all material, loose or attached, between the ticking  
10 and the core of a mattress.

11 (2726) “Wholesaler” means any person who sells or distributes mattresses in the state, in a  
12 nonretail setting, for the purpose of the resale of such mattresses.

13 **23-90-5. Mattress stewardship plan.**

14 (a) On or before ~~July 1, 2015~~ December 31, 2023, and every five years thereafter, the  
15 ~~mattress stewardship council corporation~~ shall ~~submit a mattress stewardship plan for the~~  
16 ~~establishment of a mattress stewardship program to the corporation director for approval~~ issue a  
17 solicitation consistent with state procurement law to identify an implementing organization to  
18 administer the mattress stewardship program.

19 (b) ~~The plan~~ Responses to the solicitation submitted pursuant to subsection (a) of this  
20 section shall, to the extent it is technologically feasible and economically practical:

21 (1) Identify each producer’s participation in the program;

22 (2) Describe the fee structure for the program and propose a uniform stewardship fee that  
23 is sufficient to cover the costs of operating and administering the program;

24 (3) Establish performance goals for the ~~first two (2) years of the~~ program;

25 (4) Identify proposed recycling facilities to be used by the program, such facilities shall not  
26 require a solid waste management facilities license;

27 (5) Detail how the program will promote the recycling of discarded mattresses;

28 (6) Include a description of the public education program;

29 (7) Describe fee-disclosure language that retailers will be required to prominently display  
30 that will inform consumers of the amount and purpose of the fee; and

31 (8) Identify the methods and procedures to facilitate implementation of the mattress  
32 stewardship program in coordination with the corporation director and municipalities.

33 ~~(c) Not later than ninety (90) days after submission of the plan pursuant to this section, the~~  
34 ~~corporation shall make a determination whether to:~~

1           ~~(1) Approve the plan as submitted; or~~

2           ~~(2) Deny the plan.~~

3           ~~(d) The corporation director shall approve the plan for the establishment of the mattress~~  
4 ~~stewardship program, provided such plan reasonably meets the requirements of this section. Prior~~  
5 ~~to making such determination, the corporation director shall post the plan for at least thirty (30)~~  
6 ~~days, in accordance with the “Administrative Procedures Act” as set forth in chapter 35 of title 42,~~  
7 ~~on the corporation’s website and solicit public comments on the plan to be posted on the website.~~

8           ~~(e)~~ In the event that the corporation does not select a respondent to administer the mattress  
9 stewardship program, or the director of the corporation determines that the corporation can  
10 administer a mattress stewardship program at lower cost to the consumer, then the corporation shall  
11 administer a mattress stewardship program consistent with the requirements of this chapter. In such  
12 cases, the corporation shall assume all duties and responsibilities of the implementing organization,  
13 as defined in this chapter, and shall administer the mattress stewardship program until such time as  
14 a new implementing organization is selected pursuant to the solicitation required by this section to  
15 occur every five years. ~~director denies the plan, the corporation director shall provide a notice of~~  
16 ~~determination to the council, within sixty (60) days, detailing the reasons for the disapproval. The~~  
17 ~~council shall revise and resubmit the plan to the corporation director not later than forty five (45)~~  
18 ~~days after receipt of notice of the corporation director’s denial notice. Not later than forty five (45)~~  
19 ~~days after receipt of the revised plan, the corporation director shall review and approve or deny the~~  
20 ~~revised plan. The council may resubmit a revised plan to the corporation director for approval on~~  
21 ~~not more than two (2) occasions. If the council fails to submit a plan that is acceptable to the~~  
22 ~~corporation director, because it does not meet the criteria pursuant to subdivisions (b)(1-8), the~~  
23 ~~corporation director shall have the ability to modify the submitted plan and approve it. Not later~~  
24 ~~than one hundred twenty (120) days after the approval of a plan pursuant to this section, the council~~  
25 ~~shall implement the mattress stewardship program.~~

26           ~~(f)~~ It is the responsibility of the ~~council~~ implementing organization to:

27           (1) Notify the corporation director whenever there is a proposed substantial change to the  
28 program. If the corporation director takes no action on a proposed substantial change within ninety  
29 (90) days after notification of the proposed change, the proposed change shall be deemed approved.  
30 For the purposes of this subdivision, “substantial change” shall include, but not be limited to:

31           (i) A change in the processing facilities to be used for discarded mattresses collected  
32 pursuant to the program; or

33           (ii) A material change to the system for collecting mattresses.

34           ~~(2) Not later than October 1, 2017, the council shall submit to the corporation director for~~

1 ~~review, updated performance goals that are based on the experience of the program during the first~~  
2 ~~two (2) years of the program.~~

3 (g) The ~~council~~ implementing organization shall notify the corporation director of any  
4 other changes to the program on an ongoing basis, whenever they occur, without resubmission of  
5 the plan to the corporation director for approval. ~~Such changes shall include, but not be limited to,~~  
6 ~~a change in the composition, officers, or contact information of the council.~~

7 (h) ~~On or before July 1, 2015, and every two (2) years thereafter, the council shall propose~~  
8 ~~a uniform fee for all mattresses sold in this state. The council may propose a change to the uniform~~  
9 ~~fee more frequently than once every two (2) years if the council determines such change is needed~~  
10 ~~to avoid funding shortfalls or excesses. Any proposed fee shall be reviewed by an independent~~  
11 ~~auditor to ensure that such assessment does not exceed the costs of the mattress stewardship~~  
12 ~~program described in subsection (b) of this section and to maintain financial reserves sufficient to~~  
13 ~~operate the program over a multi-year period in a fiscally prudent and responsible manner. Not~~  
14 ~~later than sixty (60) days after the council proposes a mattress stewardship fee, the auditor shall~~  
15 ~~render an opinion to the corporation director as to whether the proposed mattress stewardship fee~~  
16 ~~is reasonable to achieve the goals set forth in this section. If the auditor concludes that the mattress~~  
17 ~~stewardship fee is reasonable, then the proposed fee shall go into effect not less than ninety (90)~~  
18 ~~days after the auditor notifies the corporation director that the fee is reasonable. If the auditor~~  
19 ~~concludes that the mattress stewardship fee is not reasonable, the auditor shall provide the council~~  
20 ~~with written notice explaining the auditor's opinion. Specific documents or information provided~~  
21 ~~to the auditor by the council, along with any associated internal documents or information held by~~  
22 ~~the council, shall be made available to the corporation for its review upon request but shall not be~~  
23 ~~made public if the documents and information contain trade secrets or commercial or financial~~  
24 ~~information of a privileged or confidential nature, pursuant to chapter 2 of title 38 ("access to public~~  
25 ~~records"). Not later than fourteen (14) days after the council's receipt of the auditor's opinion, the~~  
26 ~~council may either propose a new mattress stewardship fee, or provide written comments on the~~  
27 ~~auditor's opinion. If the auditor concludes that the fee is not reasonable, the corporation director~~  
28 ~~shall decide, based on the auditor's opinion and any comments provided by the council, whether to~~  
29 ~~approve the proposed mattress stewardship fee. Such auditor shall be selected by the council. The~~  
30 ~~cost of any work performed by such auditor pursuant to the provisions of this subsection and~~  
31 ~~subsection (i) of this section shall be funded by the council.~~

32 (i)(1) On and after the implementation of the mattress stewardship program, each retailer  
33 shall add the amount of the fee established pursuant to subsection (b) of this section ~~and described~~  
34 ~~in subsection (h) of this section~~ to the purchase price of all mattresses sold in this state. The fee

1 shall be remitted by the retailer to the ~~council~~ implementing organization. The ~~council~~  
2 implementing organization may, subject to the corporation director's approval, establish an  
3 alternative, practicable means of collecting or remitting such fee.

4 (2) On and after the implementation date of the mattress stewardship program, no producer,  
5 distributor, or retailer shall sell or offer for sale a mattress to any person in the state if the producer  
6 is not a ~~member participant in~~ of the mattress stewardship program administered by the ~~council~~  
7 implementing organization.

8 (3) No retailer or distributor shall be found to be in violation of the provisions of this  
9 section, if, on the date the mattress was ordered from the producer or its agent, the producer of said  
10 mattress was listed on the corporation's website in accordance with the provisions of this chapter.

11 (f) Not later than October 1, 2016, and annually thereafter, the ~~council~~ implementing  
12 organization shall submit an annual report to the corporation director. The corporation director shall  
13 post such annual report on the corporation's website. Such report shall include, but not be limited  
14 to:

- 15 (1) The weight of mattresses collected pursuant to the program from:
  - 16 (i) Municipal and/or transfer stations;
  - 17 (ii) Retailers; and
  - 18 (iii) All other covered entities;
- 19 (2) The weight of mattresses diverted for recycling;
- 20 (3) Identification of the mattress recycling facilities to which mattresses were delivered for  
21 recycling;
- 22 (4) The weight of discarded mattresses recycled, as indicated by the weight of each of the  
23 commodities sold to secondary markets;
- 24 (5) The weight of mattresses, or parts thereof, sent for disposal at each of the following:
  - 25 (i) Rhode Island resource recovery corporation; and
  - 26 (ii) Any other facilities;
- 27 (6) Samples of public education materials and methods used to support the program;
- 28 (7) A description of efforts undertaken and evaluation of the methods used to disseminate  
29 such materials;
- 30 (8) Updated performance goals and an evaluation of the effectiveness of the methods and  
31 processes used to achieve performance goals of the program; and
- 32 (9) Recommendations for any changes to the program.

33 (h) Two (2) years after the implementation of the program and upon the request of the  
34 corporation director, but not more frequently than once a year, the ~~council~~ implementing

1 organization shall cause an audit of the program to be conducted by ~~the auditor described in~~  
2 ~~subsection (h) of this section~~ an independent auditor selected by the implementing organization.

3 Such audit shall review the accuracy of the ~~council's~~ implementing organization's data concerning  
4 the program and provide any other information requested by the corporation director. Such audit  
5 shall be paid for by the ~~council~~ implementing organization. The ~~council~~ implementing organization  
6 shall maintain all records relating to the program for not less than three (3) years.

7 (i) No covered entity that participates in the program shall charge for receipt of mattresses  
8 generated in the state. Covered entities may charge a fee for providing the service of collecting  
9 mattresses and may restrict the acceptance of mattresses by number, source, or physical condition.

10 (j) Covered entities that, upon the date of this act's passage, have an existing program for  
11 recycling discarded mattresses may continue to operate such program without coordination of the  
12 council, so long as the entities are able to demonstrate, in writing, to the corporation director that  
13 the facilities to which discarded mattresses are delivered are engaged in the business of recycling  
14 said mattresses and the corporation director approves the written affirmation that the facility  
15 engages in mattress recycling of mattresses received by the covered entity. A copy of the written  
16 affirmation and the corporation's approval shall be provided to the council by the corporation  
17 director in a timely manner.

18 (k) The implementing organization may, subject to approval by the corporation, propose  
19 the establishment and maintenance of a financial reserve sufficient to operate the program over a  
20 multi-year period in a fiscally prudent and responsible manner. Such financial reserve shall not  
21 exceed 50 percent of the projected program costs in any given year.

22 (l) The corporation is authorized to cap administrative expenses to administer the mattress  
23 stewardship program at a set percentage of annual program expenses as determined by the  
24 corporation.

25 **23-90-6. Responsibilities of the Rhode Island resource recovery corporation.**

26 (a) The corporation shall review for approval responses to the solicitation for an  
27 implementing organization to administer the mattress stewardship program. ~~of the council~~

28 (b) The corporation shall maintain on its website information on collection opportunities  
29 for mattresses, including collection site locations. The information must be made available in a  
30 printable format for retailers and consumers.

31 (c) Not later than the implementation date of the mattress stewardship program, the  
32 corporation shall list the names of participating producers covered by the program and the cost of  
33 the approved mattress stewardship fee on its website.

34 (d) The corporation shall approve the mattress stewardship fee to be applied by the ~~council~~

1 implementing organization to mattresses pursuant to this chapter.

2 (e) The corporation shall assume responsibility for administering the mattress stewardship  
3 program in the event that none of the submissions to the solicitation for an implementing  
4 organization are deemed sufficient, or if the director of the corporation determines that the  
5 corporation can administer the mattress stewardship program at a lower cost to the consumer than  
6 any of the respondents to the solicitation.

7 ~~(ef)~~ Pursuant to § 23-90-11, the corporation shall report biennially to the general assembly  
8 on the operation of the statewide system for collection, transportation and recycling of mattresses.

9 **23-90-8. Immunity.**

10 Each producer, retailer and the ~~council~~ implementing organization shall be immune from  
11 liability for any claim of a violation of antitrust law, to the extent such producer or ~~council~~  
12 implementing organization is exercising authority pursuant to the provisions of this chapter,  
13 including but not limited to:

14 (1) The creation, implementation or management of a plan pursuant to § 23-90-5, and the  
15 types or quantities of used mattresses recycled or otherwise managed pursuant to a plan;

16 (2) The cost and structure of a plan; and

17 (3) The establishment, administration, collection or disbursement of the mattress  
18 stewardship fee associated with funding the implementation of the plan.

19 **23-90-10. Collaboration.**

20 In the event that another state implements a mattress recycling program, the ~~council~~  
21 implementing organization may collaborate with such state to conserve efforts and resources used  
22 in carrying out the mattress stewardship program, provided such collaboration is consistent with  
23 the requirements of this chapter.

24 SECTION 3. Section 23-90-4 in Chapter 23-90 entitled “Responsible Recycling, Reuse  
25 and Disposal of Mattresses” is hereby repealed.

26 ~~**23-90-4. Mattress stewardship council established.**~~

27 ~~(a) On or before July 1, 2015, each producer shall join the council and such council shall~~  
28 ~~submit a plan, for the corporation director’s approval, to establish a statewide mattress stewardship~~  
29 ~~program, as described in this section. Any retailer may be a member of such council. Such mattress~~  
30 ~~stewardship program shall, to the extent it is technologically feasible and economically practical:~~

31 ~~(1) Minimize public sector involvement in the management of discarded mattresses;~~

32 ~~(2) Provide for the convenient and accessible statewide collection of discarded mattresses~~  
33 ~~from any person in the state with a discarded mattress that was discarded in the state, including~~  
34 ~~from participating covered entities that accumulated and segregated a minimum of fifty (50)~~

1 ~~discarded mattresses for collection at one time, or a minimum of thirty (30) discarded mattresses~~  
2 ~~for collection at one time in the case of participating municipal transfer stations;~~

3 ~~(3) Provide for council financed recycling and disposal of discarded mattresses;~~

4 ~~(4) Provide suitable storage containers at permitted municipal transfer stations, municipal~~  
5 ~~government property or other solid waste management facilities for segregated, discarded~~  
6 ~~mattresses, or make other mutually agreeable storage and transportation agreements at no cost to~~  
7 ~~such municipality provided the municipal transfer station, municipal government property or other~~  
8 ~~solid waste management facilities make space available for such purpose and imposes no fee for~~  
9 ~~placement of such storage container on its premises;~~

10 ~~(5) Include a uniform mattress stewardship fee that is sufficient to cover the costs of~~  
11 ~~operating and administering the program; and~~

12 ~~(6) Establish a financial incentive that provides for the payment of a monetary sum,~~  
13 ~~established by the council, to promote the recovery of mattresses.~~

14 ~~(b) The council shall be a nonprofit organization with a fee structure that covers, but does~~  
15 ~~not exceed, the costs of developing the plan and operating and administering the program in~~  
16 ~~accordance with the requirements of this chapter, and maintaining a financial reserve sufficient to~~  
17 ~~operate the program over a multi-year period of time in a fiscally prudent and responsible manner.~~  
18 ~~The council shall maintain all records relating to the program for a period of not less than three (3)~~  
19 ~~years.~~

20 ~~(c) Pursuant to the program, recycling shall be preferred over any other disposal method to~~  
21 ~~the extent that recycling is technologically feasible and economically practical.~~

22 ~~(d) The council shall enter into an agreement with the corporation to reimburse for~~  
23 ~~reasonable costs directly related to administering the program but not to exceed the cost of two (2)~~  
24 ~~full time equivalent employees.~~

25 SECTION 4. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled "Duties of  
26 Utilities and Carriers" is hereby amended to read as follows:

27 **39-2-1.2. Utility base rate — Advertising, demand-side management, and**  
28 **renewables.**

29 (a) In addition to costs prohibited in § 39-1-27.4(b), no public utility distributing or  
30 providing heat, electricity, or water to or for the public shall include as part of its base rate any  
31 expenses for advertising, either direct or indirect, that promotes the use of its product or service, or  
32 is designed to promote the public image of the industry. No public utility may furnish support of  
33 any kind, direct or indirect, to any subsidiary, group, association, or individual for advertising and  
34 include the expense as part of its base rate. Nothing contained in this section shall be deemed as

1 prohibiting the inclusion in the base rate of expenses incurred for advertising, informational or  
2 educational in nature, that is designed to promote public safety conservation of the public utility's  
3 product or service. The public utilities commission shall promulgate such rules and regulations as  
4 are necessary to require public disclosure of all advertising expenses of any kind, direct or indirect,  
5 and to otherwise effectuate the provisions of this section.

6 (b) Effective as of January 1, 2008, and for a period of twenty-~~two~~ (20~~2~~) years thereafter,  
7 each electric distribution company shall include a charge per kilowatt-hour delivered to fund  
8 demand-side management programs. The 0.3 mills per kilowatt-hour delivered to fund renewable  
9 energy programs shall remain in effect until December 31, 20~~28~~30. The electric distribution  
10 company shall establish and, after July 1, 2007, maintain, two (2) separate accounts, one for  
11 demand-side management programs (the "demand-side account"), which shall be funded by the  
12 electric demand-side charge and administered and implemented by the distribution company,  
13 subject to the regulatory reviewing authority of the commission, and one for renewable energy  
14 programs, which shall be administered by the Rhode Island commerce corporation pursuant to §  
15 42-64-13.2 and shall be held and disbursed by the distribution company as directed by the Rhode  
16 Island commerce corporation for the purposes of developing, promoting, and supporting renewable  
17 energy programs.

18 During the time periods established in this subsection, the commission may, in its  
19 discretion, after notice and public hearing, increase the sums for demand-side management and  
20 renewable resources. In addition, the commission shall, after notice and public hearing, determine  
21 the appropriate charge for these programs. The office of energy resources, and/or the administrator  
22 of the renewable energy programs, may seek to secure for the state an equitable and reasonable  
23 portion of renewable energy credits or certificates created by private projects funded through those  
24 programs. As used in this section, "renewable energy resources" shall mean: (1) Power generation  
25 technologies, as defined in § 39-26-5, "eligible renewable energy resources," including off-grid and  
26 on-grid generating technologies located in Rhode Island, as a priority; (2) Research and  
27 development activities in Rhode Island pertaining to eligible renewable energy resources and to  
28 other renewable energy technologies for electrical generation; or (3) Projects and activities directly  
29 related to implementing eligible renewable energy resources projects in Rhode Island.  
30 Technologies for converting solar energy for space heating or generating domestic hot water may  
31 also be funded through the renewable energy programs. Fuel cells may be considered an energy  
32 efficiency technology to be included in demand-side management programs. Special rates for low-  
33 income customers in effect as of August 7, 1996, shall be continued, and the costs of all of these  
34 discounts shall be included in the distribution rates charged to all other customers. Nothing in this

1 section shall be construed as prohibiting an electric distribution company from offering any special  
2 rates or programs for low-income customers which are not in effect as of August 7, 1996, subject  
3 to the approval by the commission.

4 (1) The renewable energy investment programs shall be administered pursuant to rules  
5 established by the Rhode Island commerce corporation. Said rules shall provide transparent criteria  
6 to rank qualified renewable energy projects, giving consideration to:

7 (i) The feasibility of project completion;

8 (ii) The anticipated amount of renewable energy the project will produce;

9 (iii) The potential of the project to mitigate energy costs over the life of the project; and

10 (iv) The estimated cost per kilowatt-hour (KWh) of the energy produced from the project.

11 (c) [Deleted by P.L. 2012, ch. 241, art. 4, § 14.]

12 (d) The chief executive officer of the commerce corporation is authorized and may enter  
13 into a contract with a contractor for the cost-effective administration of the renewable energy  
14 programs funded by this section. A competitive bid and contract award for administration of the  
15 renewable energy programs may occur every three (3) years and shall include, as a condition, that  
16 after July 1, 2008, the account for the renewable energy programs shall be maintained and  
17 administered by the commerce corporation as provided for in subsection (b) of this section.

18 (e) Effective January 1, 2007, and for a period of twenty-~~one~~-three (213) years thereafter,  
19 each gas distribution company shall include, with the approval of the commission, a charge per  
20 deca therm delivered to fund demand-side management programs (the "gas demand-side charge"),  
21 including, but not limited to, programs for cost-effective energy efficiency, energy conservation,  
22 combined heat and power systems, and weatherization services for low-income households.

23 (f) Each gas company shall establish a separate account for demand-side management  
24 programs (the "gas demand-side account") that shall be funded by the gas demand-side charge and  
25 administered and implemented by the distribution company, subject to the regulatory reviewing  
26 authority of the commission. The commission may establish administrative mechanisms and  
27 procedures that are similar to those for electric demand-side management programs administered  
28 under the jurisdiction of the commission and that are designed to achieve cost-effectiveness and  
29 high, life-time savings of efficiency measures supported by the program.

30 (g) The commission may, if reasonable and feasible, except from this demand-side  
31 management charge:

32 (1) Gas used for distribution generation; and

33 (2) Gas used for the manufacturing processes, where the customer has established a self-  
34 directed program to invest in and achieve best-effective energy efficiency in accordance with a plan

1 approved by the commission and subject to periodic review and approval by the commission, which  
2 plan shall require annual reporting of the amount invested and the return on investments in terms  
3 of gas savings.

4 (h) The commission may provide for the coordinated and/or integrated administration of  
5 electric and gas demand-side management programs in order to enhance the effectiveness of the  
6 programs. Such coordinated and/or integrated administration may after March 1, 2009, upon the  
7 recommendation of the office of energy resources, be through one or more third-party entities  
8 designated by the commission pursuant to a competitive selection process.

9 (i) Effective January 1, 2007, the commission shall allocate, from demand-side  
10 management gas and electric funds authorized pursuant to this section, an amount not to exceed  
11 three percent (3%) of such funds on an annual basis for the retention of expert consultants, and  
12 reasonable administration costs of the energy efficiency and resources management council  
13 associated with planning, management, and evaluation of energy-efficiency programs, renewable  
14 energy programs, system reliability least-cost procurement, and with regulatory proceedings,  
15 contested cases, and other actions pertaining to the purposes, powers, and duties of the council,  
16 which allocation may by mutual agreement, be used in coordination with the office of energy  
17 resources to support such activities.

18 (j) Effective January 1, 2016, the commission shall annually allocate from the  
19 administrative funding amount allocated in subsection (i) from the demand-side management  
20 program as described in subsection (i) as follows: (1) for the energy efficiency resources  
21 management council, no more than forty percent (40%) for the purposes identified in subsection (i)  
22 and (2) sixty percent (60%) of three percent (3%) from the demand side management and electric  
23 funds annually to the office of energy resources for activities associated with planning,  
24 management, and evaluation of energy-efficiency programs, renewable energy programs, system  
25 reliability, least-cost procurement, and with regulatory proceedings, contested cases, and other  
26 actions pertaining to the purposes, powers, and duties of the office of energy resources. The office  
27 of energy resources shall have exclusive authority to direct the use of these funds.

28 (k) On April 15, of each year, the office and the council shall submit to the governor, the  
29 president of the senate, and the speaker of the house of representatives, separate financial and  
30 performance reports regarding the demand-side management programs, including the specific level  
31 of funds that were contributed by the residential, municipal, and commercial and industrial sectors  
32 to the overall programs; the businesses, vendors, and institutions that received funding from  
33 demand-side management gas and electric funds used for the purposes in this section; and the  
34 businesses, vendors, and institutions that received the administrative funds for the purposes in

1 subsections (i) and (j). These reports shall be posted electronically on the websites of the office of  
2 energy resources and the energy efficiency and resources management council.

3 (l) On or after August 1, 2015, at the request of the Rhode Island infrastructure bank, each  
4 electric distribution company, except for the Pascoag Utility District and Block Island Power  
5 Company, shall remit two percent (2%) of the amount of the 2014 electric demand-side charge  
6 collections to the Rhode Island infrastructure bank.

7 (m) On or after August 1, 2015, at the request of the Rhode Island infrastructure bank, each  
8 gas distribution company shall remit two percent (2%) of the amount of the 2014 gas demand-side  
9 charge collections to the Rhode Island infrastructure bank.

10 (n) Effective January 1, 2022, the commission shall allocate, from demand-side  
11 management gas and electric funds authorized pursuant to this section, five million dollars  
12 (\$5,000,000) of such funds on an annual basis to the Rhode Island infrastructure bank. Gas and  
13 electric demand-side funds transferred to the Rhode Island infrastructure bank pursuant to this  
14 section shall be eligible to be used in any energy efficiency, renewable energy, [clean transportation](#),  
15 [clean heating](#), [energy storage](#), or demand-side management project financing program administered  
16 by the Rhode Island infrastructure bank notwithstanding any other restrictions on the use of such  
17 collections set forth in this chapter. The infrastructure bank shall report annually to the commission  
18 within ninety (90) days of the end of each calendar year how collections transferred under this  
19 section were utilized.

20 [\(o\) Effective January 1, 2024, the commission shall allocate from demand-side](#)  
21 [management gas and electric funds authorized pursuant to this section, \*four million five hundred\*](#)  
22 [thousand \(\\$4,500,000\) of such funds on an annual basis to the Rhode Island office of energy](#)  
23 [resources, on behalf of the executive climate change coordinating council, for climate change-](#)  
24 [related initiatives. The executive climate change coordinating council shall have exclusive](#)  
25 [authority to direct the use of these funds. The office of energy resources may act on behalf of the](#)  
26 [executive climate change coordinating council to disburse these funds.](#)

27 [\(i\) The gas and electric demand-side funds allocated pursuant to 39-2-1.2\(o\) shall be used](#)  
28 [to fund direct investments in programs designed to eliminate emissions of greenhouse gases in](#)  
29 [Rhode Island, including any energy efficiency, renewable energy, clean transportation, clean](#)  
30 [heating, energy storage, demand-side management, or other programs and investments that support](#)  
31 [the 2021 Act on Climate, as well as supporting the work directly related to compliance with the](#)  
32 [provisions of that Act, including but not limited to:](#)

33 [\(a\) Developing an updated Climate Strategy by December 31, 2025, including GHG](#)  
34 [modeling and support for a robust public involvement process;](#)

1           **(b) Completing, publishing, and maintaining public metrics and an online public dashboard**  
2 **tracking emissions reductions, sources of energy consumed by the state, and related climate**  
3 **metrics;**

4           **(c) Supporting multiple agencies to develop and promulgate rules and regulations and/or**  
5 **implement programs necessary to meet GHG reduction mandates;**

6           **(d) Supplementing critical state programs aimed at decarbonization and resilience,**  
7 **including support for related work by municipalities and conservation commissions;**

8           **(e) Supporting the work of the Climate Justice workgroup, including support for**  
9 **community-centric communications and engagement actions, and compensation to community**  
10 **participants; and,**

11           **(f) Supporting continued work of the Science & Technical Advisory Board, created**  
12 **pursuant to § 42-6.2-5, and the Advisory Board, created pursuant to § 42-6.2-4, including the**  
13 **engagement of expert technical consulting support where necessary.**

14           **(g) Funds may also be used for the purpose of providing the financial means for the council**  
15 **to purchase materials and to employ on a contract or other basis expert consultant services, expert**  
16 **witnesses, outreach and marketing campaign efforts to educate about the programs and policies**  
17 **and/or other support services necessary to advance the requirements of the act on climate.**

18           **(ii) The Rhode Island executive climate change council shall report annually to the**  
19 **governor and general assembly within one hundred and twenty (120) days of the end of each**  
20 **calendar year how the funds were used to achieve the statutory objectives of the 2021 act on climate.**

21           **(iii) The office of energy resources is authorized and may enter into contracts with third-**  
22 **party entities for the administration and/or implementation of climate change initiatives funded by**  
23 **this section.**

24           **(iv) There is hereby established a restricted receipt account in the general fund of the state**  
25 **and housed in the budget of the department of administration entitled “executive climate change**  
26 **coordinating council projects.” The express purpose of this account is to record receipts and**  
27 **expenditures of the program herein described and established within this subsection.**

28           **(p) Effective January 1, 2023, the electric and gas distribution company shall not be eligible**  
29 **for performance based or other incentives related to the administration and implementation of**  
30 **energy efficiency programs approved pursuant to this chapter.**

31           **(q) The Rhode Island office of energy resources, in coordination with the energy efficiency**  
32 **resource management council, and following consultation with the public utilities commission and**  
33 **division of public utilities and carriers, shall issue a request for proposals for the cost effective**  
34 **administration and implementation of statewide energy efficiency programs funded by this section**

1 no later than June 30, 2024. The draft request for proposals shall be reviewed through at least one  
2 technical session at the public utilities commission prior to issuance. Public utilities commission  
3 approval shall not be required. The Rhode Island office of energy resources, in coordination with  
4 the energy efficiency resource management council, shall evaluate proposals and determine  
5 whether energy efficiency administration and implementation by the electric and gas distribution  
6 company or a third-party is likely to achieve the most net benefits for electric and gas customers in  
7 Rhode Island. After January 1, 2025, the office of energy resources may, periodically, and at its  
8 discretion, issue additional requests for proposals for the administration and implementation of  
9 statewide energy efficiency programs funded through this chapter of an electric distribution  
10 company as defined in § 39-1-2(a)(12) or gas distribution company included as a public utility in  
11 § 39-1-2(a)(20) that has greater than one hundred thousand (100,000) customers.

12 (i) Nothing in this chapter shall prohibit the electric and/or gas distribution company from  
13 submitting a proposal to administer and implement the state energy efficiency programs.

14 (ii) If the office of energy resources, in coordination with the energy efficiency resource  
15 management council, determines that the use of a third-party administrator is likely to achieve the  
16 most net benefits for electric and gas customers in Rhode Island, it shall file its recommendation  
17 with the public utilities commission, which shall docket and rule on the matter pursuant to its  
18 general statutory authorization. If the commission determines that the recommended third-party  
19 administrator is in the interest of Rhode Island utility customers, it shall provide for the full cost  
20 recovery for the third-party administrator consistent with the terms of the approved contract which  
21 may include regulatory performance metrics.

22 (iii) If the office does not recommend advancement of a third-party administrator, the  
23 electric and gas distribution utility shall continue to administer statewide energy efficiency  
24 programs.

25 SECTION 5. This Act shall take effect upon passage.  
26

1 **ARTICLE 6**

2 RELATING TO SMALL BUSINESS

3 SECTION 1. Sections 5-21-1 and 5-21-2 of the General Laws in Chapter 5-21 entitled  
4 “Second-Hand Dealers” is hereby amended to read as follows:

5 **5-21-1 Local licensing – Fees – Penalty – Record of transaction.**

6 (a) The city or town council of any city or town is authorized to provide by ordinance for  
7 the issuing and revocation at pleasure of licenses to all persons selling, purchasing, bartering, and  
8 dealing in junk, old metals, and any other second-hand metal articles, and to all persons  
9 establishing, operating, or maintaining automobile junkyards, subject to any conditions and  
10 restrictions and for a term not exceeding one year that may be in the like manner prescribed; and  
11 also for charging and collecting fees for those licenses. The fees in the like manner prescribed shall  
12 not exceed the sum of one hundred dollars (\$100) for the keeper of ~~a shop~~ an establishment or  
13 storehouse for the reception of any junk, old metals, or second-hand metal articles which is not an  
14 automobile junkyard; the sum of five dollars (\$5.00) for any foundry person or other person  
15 receiving the same for the purpose of melting or converting the junk, old metals, or second-hand  
16 metal articles into castings; the sum of five dollars (\$5.00) for any gatherer of these items in any  
17 bag, wagon, or cart; or the sum of one hundred dollars (\$100) for any person establishing, operating,  
18 or maintaining an automobile junkyard; and also to fix a penalty for carrying on that business  
19 without a license, or in violation of any ordinance or regulation made as authorized in this chapter,  
20 not exceeding for any one offense a fine of five hundred dollars (\$500) or imprisonment not  
21 exceeding six (6) months.

22 (b) The ordinance shall provide that each person purchasing or receiving old or used metals  
23 other than junked automobiles or automobile parts shall maintain a record of each purchase or  
24 receipt. The record shall include the date of the transaction, the name, address, telephone number,  
25 and signature of the person from whom the old or used metals are purchased or received; a  
26 description of the old or used metals; and the price paid for the old or used metals. The records so  
27 kept shall be produced at the request of law enforcement officials.

28 (c) Businesses primarily engaged in the retail sale of the following goods, as expressly  
29 defined below in this subsection, are exempt from any licensing requirements imposed under this  
30 section: (1) second-hand consignment goods; (2) resale goods; (3) thrift goods; and (4) antiques.  
31 “Second-hand consignment goods” means used items, including but not limited to artwork,  
32 furniture, clothing, accessories and books that are sold by a third party, which receives a percentage  
33 of the revenue from the sale. “Resale goods” means goods, including but not limited to artwork,  
34 furniture, clothing, accessories, and books, that are purchased from the original owner and resold.

1 “Thrift goods” means used items, including but not limited to artwork, furniture, clothing,  
2 accessories, and books, that are sold by or on behalf of a charity or non-profit organization.

3 “Antiques” means items made in an earlier period that are collected and considered to have value  
4 because they are beautiful, rare, old, or of high quality.

5 **5-21-2 Hearing and objections by neighboring landowners.**

6 (a) The local licensing authority of a city or town, before granting a license under this  
7 chapter to keep ~~a shop~~ an establishment or storehouse for the reception of any junk, old metals, or  
8 other second-hand metal articles or to establish, operate, or maintain an automobile junkyard, in  
9 any location not lawfully occupied for that purpose at the time of the application for that license,  
10 shall hold a public hearing, notice of which shall be posted at least seven (7) days but not more than  
11 fourteen (14) days prior to the hearing in not less than two (2) public places in that city or town and  
12 in a newspaper of general circulation in that city or town where the ~~shop~~ establishment, storehouse,  
13 or junkyard is to be established, operated, or maintained. Before the local licensing authority posts  
14 or publishes a notice of a hearing, the local licensing authority shall collect from the applicant for  
15 the license a fee of ten dollars (\$10.00), plus the cost of posting and publishing the notice.

16 (b) No license shall be granted under this chapter to the keeper of any ~~shop~~ establishment  
17 or storehouse for the reception of any junk, old metals, or other second-hand metal articles or to a  
18 person establishing, operating, or maintaining an automobile junkyard, in any location not lawfully  
19 occupied for that purpose at the time of the application for the license, where the owners or  
20 occupants of the greater part of the land within two hundred (200) feet of that building or place file  
21 with the board, city or town council, respectively, having jurisdiction to grant licenses, their  
22 objection to the granting of the license. This subsection does not apply to any applicant who is the  
23 keeper of ~~a shop~~ an establishment or storehouse, or automobile junkyard, that is being acquired  
24 under eminent domain proceedings, who is applying for licensing within § 5-21-1 within the same  
25 city or town in which he or she was formerly licensed.

26 SECTION 2. Section 44-11-2 of the General Laws in Chapter 44-11 entitled "Business  
27 Corporation Tax" is hereby amended to read as follows:

28 **44-11-2 Imposition of Tax.**

29 (a) Each corporation shall annually pay to the state a tax equal to nine percent (9%) of net  
30 income, as defined in § 44-11-11, qualified in § 44-11-12, and apportioned to this state as provided  
31 in §§ 44-11-13 — 44-11-15, for the taxable year. For tax years beginning on or after January 1,  
32 2015, each corporation shall annually pay to the state a tax equal to seven percent (7.0%) of net  
33 income, as defined in § 44-11-13 — 44-11-15, for the taxable year.

34 (b) A corporation shall pay the amount of any tax as computed in accordance with

1 subsection (a) after deducting from "net income," as used in this section, fifty percent (50%) of the  
2 excess of capital gains over capital losses realized during the taxable year, if for the taxable year:

3 (1) The corporation is engaged in buying, selling, dealing in, or holding securities on its  
4 own behalf and not as a broker, underwriter, or distributor;

5 (2) Its gross receipts derived from these activities during the taxable year amounted to at  
6 least ninety percent (90%) of its total gross receipts derived from all of its activities during the year.  
7 "Gross receipts" means all receipts, whether in the form of money, credits, or other valuable  
8 consideration, received during the taxable year in connection with the conduct of the taxpayer's  
9 activities.

10 (c) A corporation shall not pay the amount of the tax computed on the basis of its net  
11 income under subsection (a), but shall annually pay to the state a tax equal to ten cents (\$.10) for  
12 each one hundred dollars (\$100) of gross income for the taxable year or a tax of one hundred dollars  
13 (\$100), whichever tax shall be the greater, if for the taxable year the corporation is either a "personal  
14 holding company" registered under the federal Investment Company Act of 1940, 15 U.S.C. § 80a-  
15 1 et seq., "regulated investment company," or a "real estate investment trust" as defined in the  
16 federal income tax law applicable to the taxable year. "Gross income" means gross income as  
17 defined in the federal income tax law applicable to the taxable year, plus:

18 (1) Any interest not included in the federal gross income; minus

19 (2) Interest on obligations of the United States or its possessions, and other interest exempt  
20 from taxation by this state; and minus

21 (3) Fifty percent (50%) of the excess of capital gains over capital losses realized during the  
22 taxable year.

23 (d) (1) A small business corporation having an election in effect under subchapter S, 26  
24 U.S.C. § 1361 et seq., shall not be subject to the Rhode Island income tax on corporations, except  
25 that the corporation shall be subject to the provisions of subsection (a), to the extent of the income  
26 that is subjected to federal tax under subchapter S. Effective for tax years beginning on or after  
27 January 1, 2015, a small business corporation having an election in effect under subchapter S, 26  
28 U.S.C. § 1361 et seq., shall be subject to the minimum tax under § 44-11-2(e).

29 (2) The shareholders of the corporation who are residents of Rhode Island shall include in  
30 their income their proportionate share of the corporation's federal taxable income.

31 (3) [Deleted by P.L. 2004, ch. 595, art. 29, § 1.]

32 (4) [Deleted by P.L. 2004, ch. 595, art. 29, § 1.]

33 (e) **Minimum tax.** The tax imposed upon any corporation under this section, including a  
34 small business corporation having an election in effect under subchapter S, 26 U.S.C. § 1361 et

1 seq., shall not be less than four hundred fifty dollars (\$450). For tax years beginning on or after  
2 January 1, 2017, the tax imposed shall not be less than four hundred dollars (\$400). [For tax years](#)  
3 [beginning on or after January 1, 2024, the tax imposed shall not be less than three hundred seventy-](#)  
4 [five dollars \(\\$375.00\).](#)

5 SECTION 3. Section 44-18-30 of the General Laws in Chapter 44-18 entitled "Sales and  
6 Use Taxes — Liability and Computation" is hereby amended to read as follows:

7 **44-18-30. Gross receipts exempt from sales and use taxes.**

8 There are exempted from the taxes imposed by this chapter the following gross receipts:

9 (1) Sales and uses beyond constitutional power of state. From the sale and from the storage,  
10 use, or other consumption in this state of tangible personal property the gross receipts from the sale  
11 of which, or the storage, use, or other consumption of which, this state is prohibited from taxing  
12 under the Constitution of the United States or under the constitution of this state.

13 (2) Newspapers.

14 (i) From the sale and from the storage, use, or other consumption in this state of any  
15 newspaper.

16 (ii) "Newspaper" means an unbound publication printed on newsprint that contains news,  
17 editorial comment, opinions, features, advertising matter, and other matters of public interest.

18 (iii) "Newspaper" does not include a magazine, handbill, circular, flyer, sales catalog, or  
19 similar item unless the item is printed for, and distributed as, a part of a newspaper.

20 (3) School meals. From the sale and from the storage, use, or other consumption in this  
21 state of meals served by public, private, or parochial schools, school districts, colleges, universities,  
22 student organizations, and parent-teacher associations to the students or teachers of a school,  
23 college, or university whether the meals are served by the educational institutions or by a food  
24 service or management entity under contract to the educational institutions.

25 (4) Containers.

26 (i) From the sale and from the storage, use, or other consumption in this state of:

27 (A) Non-returnable containers, including boxes, paper bags, and wrapping materials that  
28 are biodegradable and all bags and wrapping materials utilized in the medical and healing arts,  
29 when sold without the contents to persons who place the contents in the container and sell the  
30 contents with the container.

31 (B) Containers when sold with the contents if the sale price of the contents is not required  
32 to be included in the measure of the taxes imposed by this chapter.

33 (C) Returnable containers when sold with the contents in connection with a retail sale of  
34 the contents or when resold for refilling.

1 (D) Keg and barrel containers, whether returnable or not, when sold to alcoholic beverage  
2 producers who place the alcoholic beverages in the containers.

3 (ii) As used in this subdivision, the term “returnable containers” means containers of a kind  
4 customarily returned by the buyer of the contents for reuse. All other containers are “non-returnable  
5 containers.”

6 (5)(i) Charitable, educational, and religious organizations. From the sale to, as in defined  
7 in this section, and from the storage, use, and other consumption in this state, or any other state of  
8 the United States of America, of tangible personal property by hospitals not operated for a profit;  
9 “educational institutions” as defined in subdivision (18) not operated for a profit; churches,  
10 orphanages, and other institutions or organizations operated exclusively for religious or charitable  
11 purposes; interest-free loan associations not operated for profit; nonprofit, organized sporting  
12 leagues and associations and bands for boys and girls under the age of nineteen (19) years; the  
13 following vocational student organizations that are state chapters of national vocational student  
14 organizations: Distributive Education Clubs of America (DECA); Future Business Leaders of  
15 America, Phi Beta Lambda (FBLA/PBL); Future Farmers of America (FFA); Future Homemakers  
16 of America/Home Economics Related Occupations (FHA/HERD); Vocational Industrial Clubs of  
17 America (VICA); organized nonprofit golden age and senior citizens clubs for men and women;  
18 and parent-teacher associations; and from the sale, storage, use, and other consumption in this state,  
19 of and by the Industrial Foundation of Burrillville, a Rhode Island domestic nonprofit corporation.

20 (ii) In the case of contracts entered into with the federal government, its agencies, or  
21 instrumentalities, this state, or any other state of the United States of America, its agencies, any  
22 city, town, district, or other political subdivision of the states; hospitals not operated for profit;  
23 educational institutions not operated for profit; churches, orphanages, and other institutions or  
24 organizations operated exclusively for religious or charitable purposes, the contractor may purchase  
25 such materials and supplies (materials and/or supplies are defined as those that are essential to the  
26 project) that are to be utilized in the construction of the projects being performed under the contracts  
27 without payment of the tax.

28 (iii) The contractor shall not charge any sales or use tax to any exempt agency, institution,  
29 or organization but shall in that instance provide his or her suppliers with certificates in the form  
30 as determined by the division of taxation showing the reason for exemption and the contractor’s  
31 records must substantiate the claim for exemption by showing the disposition of all property so  
32 purchased. If any property is then used for a nonexempt purpose, the contractor must pay the tax  
33 on the property used.

34 (6) Gasoline. From the sale and from the storage, use, or other consumption in this state

1 of: (i) Gasoline and other products taxed under chapter 36 of title 31 and (ii) Fuels used for the  
2 propulsion of airplanes.

3 (7) Purchase for manufacturing purposes.

4 (i) From the sale and from the storage, use, or other consumption in this state of computer  
5 software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, and  
6 water, when the property or service is purchased for the purpose of being manufactured into a  
7 finished product for resale and becomes an ingredient, component, or integral part of the  
8 manufactured, compounded, processed, assembled, or prepared product, or if the property or  
9 service is consumed in the process of manufacturing for resale computer software, tangible personal  
10 property, electricity, natural gas, artificial gas, steam, refrigeration, or water.

11 (ii) "Consumed" means destroyed, used up, or worn out to the degree or extent that the  
12 property cannot be repaired, reconditioned, or rendered fit for further manufacturing use.

13 (iii) "Consumed" includes mere obsolescence.

14 (iv) "Manufacturing" means and includes: manufacturing, compounding, processing,  
15 assembling, preparing, or producing.

16 (v) "Process of manufacturing" means and includes all production operations performed in  
17 the producing or processing room, shop, or plant, insofar as the operations are a part of and  
18 connected with the manufacturing for resale of tangible personal property, electricity, natural gas,  
19 artificial gas, steam, refrigeration, or water and all production operations performed insofar as the  
20 operations are a part of and connected with the manufacturing for resale of computer software.

21 (vi) "Process of manufacturing" does not mean or include administration operations such  
22 as general office operations, accounting, collection, or sales promotion, nor does it mean or include  
23 distribution operations that occur subsequent to production operations, such as handling, storing,  
24 selling, and transporting the manufactured products, even though the administration and  
25 distribution operations are performed by, or in connection with, a manufacturing business.

26 (8) State and political subdivisions. From the sale to, and from the storage, use, or other  
27 consumption by, this state, any city, town, district, or other political subdivision of this state. Every  
28 redevelopment agency created pursuant to chapter 31 of title 45 is deemed to be a subdivision of  
29 the municipality where it is located.

30 (9) Food and food ingredients. From the sale and storage, use, or other consumption in this  
31 state of food and food ingredients as defined in § 44-18-7.1().

32 For the purposes of this exemption "food and food ingredients" shall not include candy,  
33 soft drinks, dietary supplements, alcoholic beverages, tobacco, food sold through vending  
34 machines, or prepared food, as those terms are defined in § 44-18-7.1, unless the prepared food is:

1 (i) Sold by a seller whose primary NAICS classification is manufacturing in sector 311,  
2 except sub-sector 3118 (bakeries);

3 (ii) Sold in an unheated state by weight or volume as a single item;

4 (iii) Bakery items, including: bread, rolls, buns, biscuits, bagels, croissants, pastries,  
5 donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas; and

6 is not sold with utensils provided by the seller, including: plates, knives, forks, spoons,  
7 glasses, cups, napkins, or straws.

8 (10) Medicines, drugs, and durable medical equipment. From the sale and from the storage,  
9 use, or other consumption in this state, of:

10 (i) "Drugs" as defined in § 44-18-7.1(h)(i), sold on prescriptions, medical oxygen, and  
11 insulin whether or not sold on prescription. For purposes of this exemption drugs shall not include  
12 over-the-counter drugs and grooming and hygiene products as defined in § 44-18-7.1(h)(iii).

13 (ii) Durable medical equipment as defined in § 44-18-7.1(k) for home use only, including,  
14 but not limited to: syringe infusers, ambulatory drug delivery pumps, hospital beds, convalescent  
15 chairs, and chair lifts. Supplies used in connection with syringe infusers and ambulatory drug  
16 delivery pumps that are sold on prescription to individuals to be used by them to dispense or  
17 administer prescription drugs, and related ancillary dressings and supplies used to dispense or  
18 administer prescription drugs, shall also be exempt from tax.

19 (11) Prosthetic devices and mobility enhancing equipment. From the sale and from the  
20 storage, use, or other consumption in this state, of prosthetic devices as defined in § 44-18-7.1(t),  
21 sold on prescription, including, but not limited to: artificial limbs, dentures, spectacles, eyeglasses,  
22 and artificial eyes; artificial hearing devices and hearing aids, whether or not sold on prescription;  
23 and mobility enhancing equipment as defined in § 44-18-7.1(p), including wheelchairs, crutches,  
24 and canes.

25 (12) Coffins, caskets, urns, shrouds and burial garments. From the sale and from the  
26 storage, use, or other consumption in this state of coffins, caskets, burial containers, urns, urn liners,  
27 urn vaults, grave liners, grave vaults, burial tent setups, prayer cards, shrouds, and other burial  
28 garments that are ordinarily sold by a funeral director as part of the business of funeral directing.

29 (13) Motor vehicles sold to nonresidents.

30 (i) From the sale, subsequent to June 30, 1958, of a motor vehicle to a bona fide nonresident  
31 of this state who does not register the motor vehicle in this state, whether the sale or delivery of the  
32 motor vehicle is made in this state or at the place of residence of the nonresident. A motor vehicle  
33 sold to a bona fide nonresident whose state of residence does not allow a like exemption to its  
34 nonresidents is not exempt from the tax imposed under § 44-18-20. In that event, the bona fide

1 nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that would be imposed  
2 in his or her state of residence not to exceed the rate that would have been imposed under § 44-18-  
3 20. Notwithstanding any other provisions of law, a licensed motor vehicle dealer shall add and  
4 collect the tax required under this subdivision and remit the tax to the tax administrator under the  
5 provisions of chapters 18 and 19 of this title. When a Rhode Island licensed, motor vehicle dealer  
6 is required to add and collect the sales and use tax on the sale of a motor vehicle to a bona fide  
7 nonresident as provided in this section, the dealer in computing the tax takes into consideration the  
8 law of the state of the nonresident as it relates to the trade-in of motor vehicles.

9 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may  
10 require any licensed motor vehicle dealer to keep records of sales to bona fide nonresidents as the  
11 tax administrator deems reasonably necessary to substantiate the exemption provided in this  
12 subdivision, including the affidavit of a licensed motor vehicle dealer that the purchaser of the  
13 motor vehicle was the holder of, and had in his or her possession a valid out-of-state motor vehicle  
14 registration or a valid out-of-state driver's license.

15 (iii) Any nonresident who registers a motor vehicle in this state within ninety (90) days of  
16 the date of its sale to him or her is deemed to have purchased the motor vehicle for use, storage, or  
17 other consumption in this state, and is subject to, and liable for, the use tax imposed under the  
18 provisions of § 44-18-20.

19 (14) Sales in public buildings by blind people. From the sale and from the storage, use, or  
20 other consumption in all public buildings in this state of all products or wares by any person  
21 licensed under § 40-9-11.1.

22 (15) Air and water pollution control facilities. From the sale, storage, use, or other  
23 consumption in this state of tangible personal property or supplies acquired for incorporation into  
24 or used and consumed in the operation of a facility, the primary purpose of which is to aid in the  
25 control of the pollution or contamination of the waters or air of the state, as defined in chapter 12  
26 of title 46 and chapter 23 of title 23, respectively, and that has been certified as approved for that  
27 purpose by the director of environmental management. The director of environmental management  
28 may certify to a portion of the tangible personal property or supplies acquired for incorporation  
29 into those facilities or used and consumed in the operation of those facilities to the extent that that  
30 portion has as its primary purpose the control of the pollution or contamination of the waters or air  
31 of this state. As used in this subdivision, "facility" means any land, facility, device, building,  
32 machinery, or equipment.

33 (16) Camps. From the rental charged for living quarters, or sleeping, or housekeeping  
34 accommodations at camps or retreat houses operated by religious, charitable, educational, or other

1 organizations and associations mentioned in subsection (5), or by privately owned and operated  
2 summer camps for children.

3 (17) Certain institutions. From the rental charged for living or sleeping quarters in an  
4 institution licensed by the state for the hospitalization, custodial, or nursing care of human beings.

5 (18) Educational institutions. From the rental charged by any educational institution for  
6 living quarters, or sleeping, or housekeeping accommodations or other rooms or accommodations  
7 to any student or teacher necessitated by attendance at an educational institution. "Educational  
8 institution" as used in this section means an institution of learning not operated for profit that is  
9 empowered to confer diplomas, educational, literary, or academic degrees; that has a regular  
10 faculty, curriculum, and organized body of pupils or students in attendance throughout the usual  
11 school year; that keeps and furnishes to students and others records required and accepted for  
12 entrance to schools of secondary, collegiate, or graduate rank; and no part of the net earnings of  
13 which inures to the benefit of any individual.

14 (19) Motor vehicle and adaptive equipment for persons with disabilities.

15 (i) From the sale of: (A) Special adaptations; (B) The component parts of the special  
16 adaptations; or (C) A specially adapted motor vehicle; provided that the owner furnishes to the tax  
17 administrator an affidavit of a licensed physician to the effect that the specially adapted motor  
18 vehicle is necessary to transport a family member with a disability or where the vehicle has been  
19 specially adapted to meet the specific needs of the person with a disability. This exemption applies  
20 to not more than one motor vehicle owned and registered for personal, noncommercial use.

21 (ii) For the purpose of this subsection the term "special adaptations" includes, but is not  
22 limited to: wheelchair lifts, wheelchair carriers, wheelchair ramps, wheelchair securements, hand  
23 controls, steering devices, extensions, relocations, and crossovers of operator controls, power-  
24 assisted controls, raised tops or dropped floors, raised entry doors, or alternative signaling devices  
25 to auditory signals.

26 (iii) From the sale of: (a) Special adaptations, (b) The component parts of the special  
27 adaptations, for a "wheelchair accessible taxicab" as defined in § 39-14-1, and/or a "wheelchair  
28 accessible public motor vehicle" as defined in § 39-14.1-1.

29 (iv) For the purpose of this subdivision the exemption for a "specially adapted motor  
30 vehicle" means a use tax credit not to exceed the amount of use tax that would otherwise be due on  
31 the motor vehicle, exclusive of any adaptations. The use tax credit is equal to the cost of the special  
32 adaptations, including installation.

33 (20) Heating fuels. From the sale and from the storage, use, or other consumption in this  
34 state of every type of heating fuel.

1 (21) Electricity and gas. From the sale and from the storage, use, or other consumption in  
2 this state of electricity and gas.

3 (22) Manufacturing machinery and equipment.

4 (i) From the sale and from the storage, use, or other consumption in this state of tools, dies,  
5 molds, machinery, equipment (including replacement parts), and related items to the extent used in  
6 an industrial plant in connection with the actual manufacture, conversion, or processing of tangible  
7 personal property, or to the extent used in connection with the actual manufacture, conversion, or  
8 processing of computer software as that term is utilized in industry numbers 7371, 7372, and 7373  
9 in the standard industrial classification manual prepared by the Technical Committee on Industrial  
10 Classification, Office of Statistical Standards, Executive Office of the President, United States  
11 Bureau of the Budget, as revised from time to time, to be sold, or that machinery and equipment  
12 used in the furnishing of power to an industrial manufacturing plant. For the purposes of this  
13 subdivision, "industrial plant" means a factory at a fixed location primarily engaged in the  
14 manufacture, conversion, or processing of tangible personal property to be sold in the regular  
15 course of business;

16 (ii) Machinery and equipment and related items are not deemed to be used in connection  
17 with the actual manufacture, conversion, or processing of tangible personal property, or in  
18 connection with the actual manufacture, conversion, or processing of computer software as that  
19 term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification  
20 manual prepared by the Technical Committee on Industrial Classification, Office of Statistical  
21 Standards, Executive Office of the President, United States Bureau of the Budget, as revised from  
22 time to time, to be sold to the extent the property is used in administration or distribution operations;

23 (iii) Machinery and equipment and related items used in connection with the actual  
24 manufacture, conversion, or processing of any computer software or any tangible personal property  
25 that is not to be sold and that would be exempt under subdivision (7) or this subdivision if purchased  
26 from a vendor or machinery and equipment and related items used during any manufacturing,  
27 converting, or processing function is exempt under this subdivision even if that operation, function,  
28 or purpose is not an integral or essential part of a continuous production flow or manufacturing  
29 process;

30 (iv) Where a portion of a group of portable or mobile machinery is used in connection with  
31 the actual manufacture, conversion, or processing of computer software or tangible personal  
32 property to be sold, as previously defined, that portion, if otherwise qualifying, is exempt under  
33 this subdivision even though the machinery in that group is used interchangeably and not otherwise  
34 identifiable as to use.

1 (23) Trade-in value of motor vehicles. From the sale and from the storage, use, or other  
2 consumption in this state of so much of the purchase price paid for a new or used automobile as is  
3 allocated for a trade-in allowance on the automobile of the buyer given in trade to the seller, or of  
4 the proceeds applicable only to the automobile as are received from the manufacturer of  
5 automobiles for the repurchase of the automobile whether the repurchase was voluntary or not  
6 towards the purchase of a new or used automobile by the buyer. For the purpose of this subdivision,  
7 the word “automobile” means the following types of motor vehicles not used for hire and does not  
8 refer to any other type of motor vehicle: (i) a private passenger automobile; ~~not used for hire and~~  
9 ~~does not refer to any other type of motor vehicle.~~ (ii) a truck the gross weight of which is not more  
10 than fourteen thousand pounds (14,000 lbs.); or (iii) a motorcycle.

11 (24) Precious metal bullion.

12 (i) From the sale and from the storage, use, or other consumption in this state of precious  
13 metal bullion, substantially equivalent to a transaction in securities or commodities.

14 (ii) For purposes of this subdivision, “precious metal bullion” means any elementary  
15 precious metal that has been put through a process of smelting or refining, including, but not limited  
16 to: gold, silver, platinum, rhodium, and chromium, and that is in a state or condition that its value  
17 depends upon its content and not upon its form.

18 (iii) The term does not include fabricated precious metal that has been processed or  
19 manufactured for some one or more specific and customary industrial, professional, or artistic uses.

20 (25) Commercial vessels. From sales made to a commercial ship, barge, or other vessel of  
21 fifty (50) tons burden or over, primarily engaged in interstate or foreign commerce, and from the  
22 repair, alteration, or conversion of the vessels, and from the sale of property purchased for the use  
23 of the vessels including provisions, supplies, and material for the maintenance and/or repair of the  
24 vessels.

25 (26) Commercial fishing vessels. From the sale and from the storage, use, or other  
26 consumption in this state of vessels and other watercraft that are in excess of five (5) net tons and  
27 that are used exclusively for “commercial fishing,” as defined in this subdivision, and from the  
28 repair, alteration, or conversion of those vessels and other watercraft, and from the sale of property  
29 purchased for the use of those vessels and other watercraft including provisions, supplies, and  
30 material for the maintenance and/or repair of the vessels and other watercraft and the boats nets,  
31 cables, tackle, and other fishing equipment appurtenant to or used in connection with the  
32 commercial fishing of the vessels and other watercraft. “Commercial fishing” means taking or  
33 attempting to take any fish, shellfish, crustacea, or bait species with the intent of disposing of it for  
34 profit or by sale, barter, trade, or in commercial channels. The term does not include subsistence

1 fishing, i.e., the taking for personal use and not for sale or barter; or sport fishing; but shall include  
2 vessels and other watercraft with a Rhode Island party and charter boat license issued by the  
3 department of environmental management pursuant to § 20-2-27.1 that meet the following criteria:  
4 (i) The operator must have a current United States Coast Guard (U.S.C.G.) license to carry  
5 passengers for hire; (ii) U.S.C.G. vessel documentation in the coast wide fishery trade; (iii)  
6 U.S.C.G. vessel documentation as to proof of Rhode Island home port status or a Rhode Island boat  
7 registration to prove Rhode Island home port status; and (iv) The vessel must be used as a  
8 commercial passenger carrying fishing vessel to carry passengers for fishing. The vessel must be  
9 able to demonstrate that at least fifty percent (50%) of its annual gross income derives from charters  
10 or provides documentation of a minimum of one hundred (100) charter trips annually; and (v) The  
11 vessel must have a valid Rhode Island party and charter boat license. The tax administrator shall  
12 implement the provisions of this subdivision by promulgating rules and regulations relating thereto.

13 (27) Clothing and footwear. From the sales of articles of clothing, including footwear,  
14 intended to be worn or carried on or about the human body for sales prior to October 1, 2012.  
15 Effective October 1, 2012, the exemption will apply to the sales of articles of clothing, including  
16 footwear, intended to be worn or carried on or about the human body up to two hundred and fifty  
17 dollars (\$250) of the sales price per item. For the purposes of this section, “clothing or footwear”  
18 does not include clothing accessories or equipment or special clothing or footwear primarily  
19 designed for athletic activity or protective use as these terms are defined in § 44-18-7.1(f). In  
20 recognition of the work being performed by the streamlined sales and use tax governing board,  
21 upon passage of any federal law that authorizes states to require remote sellers to collect and remit  
22 sales and use taxes, this unlimited exemption will apply as it did prior to October 1, 2012. The  
23 unlimited exemption on sales of clothing and footwear shall take effect on the date that the state  
24 requires remote sellers to collect and remit sales and use taxes.

25 (28) Water for residential use. From the sale and from the storage, use, or other  
26 consumption in this state of water furnished for domestic use by occupants of residential premises.

27 (29) Bibles. [Unconstitutional; see *Ahlburn v. Clark*, 728 A.2d 449 (R.I. 1999); see Notes  
28 to Decisions.] From the sale and from the storage, use, or other consumption in the state of any  
29 canonized scriptures of any tax-exempt nonprofit religious organization including, but not limited  
30 to, the Old Testament and the New Testament versions.

31 (30) Boats.

32 (i) From the sale of a boat or vessel to a bona fide nonresident of this state who does not  
33 register the boat or vessel in this state or document the boat or vessel with the United States  
34 government at a home port within the state, whether the sale or delivery of the boat or vessel is

1 made in this state or elsewhere; provided, that the nonresident transports the boat within thirty (30)  
2 days after delivery by the seller outside the state for use thereafter solely outside the state.

3 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may  
4 require the seller of the boat or vessel to keep records of the sales to bona fide nonresidents as the  
5 tax administrator deems reasonably necessary to substantiate the exemption provided in this  
6 subdivision, including the affidavit of the seller that the buyer represented himself or herself to be  
7 a bona fide nonresident of this state and of the buyer that he or she is a nonresident of this state.

8 (31) Youth activities equipment. From the sale, storage, use, or other consumption in this  
9 state of items for not more than twenty dollars (\$20.00) each by nonprofit Rhode Island  
10 eleemosynary organizations, for the purposes of youth activities that the organization is formed to  
11 sponsor and support; and by accredited elementary and secondary schools for the purposes of the  
12 schools or of organized activities of the enrolled students.

13 (32) Farm equipment. From the sale and from the storage or use of machinery and  
14 equipment used directly for commercial farming and agricultural production; including, but not  
15 limited to: tractors, ploughs, harrows, spreaders, seeders, milking machines, silage conveyors,  
16 balers, bulk milk storage tanks, trucks with farm plates, mowers, combines, irrigation equipment,  
17 greenhouses and greenhouse coverings, graders and packaging machines, tools and supplies and  
18 other farming equipment, including replacement parts appurtenant to or used in connection with  
19 commercial farming and tools and supplies used in the repair and maintenance of farming  
20 equipment. "Commercial farming" means the keeping or boarding of five (5) or more horses or the  
21 production within this state of agricultural products, including, but not limited to, field or orchard  
22 crops, livestock, dairy, and poultry, or their products, where the keeping, boarding, or production  
23 provides at least two thousand five hundred dollars (\$2,500) in annual gross sales to the operator,  
24 whether an individual, a group, a partnership, or a corporation for exemptions issued prior to July  
25 1, 2002. For exemptions issued or renewed after July 1, 2002, there shall be two (2) levels. Level I  
26 shall be based on proof of annual, gross sales from commercial farming of at least twenty-five  
27 hundred dollars (\$2,500) and shall be valid for purchases subject to the exemption provided in this  
28 subdivision except for motor vehicles with an excise tax value of five thousand dollars (\$5,000) or  
29 greater. Level II shall be based on proof of annual gross sales from commercial farming of at least  
30 ten thousand dollars (\$10,000) or greater and shall be valid for purchases subject to the exemption  
31 provided in this subdivision including motor vehicles with an excise tax value of five thousand  
32 dollars (\$5,000) or greater. For the initial issuance of the exemptions, proof of the requisite amount  
33 of annual gross sales from commercial farming shall be required for the prior year; for any renewal  
34 of an exemption granted in accordance with this subdivision at either level I or level II, proof of

1 gross annual sales from commercial farming at the requisite amount shall be required for each of  
2 the prior two (2) years. Certificates of exemption issued or renewed after July 1, 2002, shall clearly  
3 indicate the level of the exemption and be valid for four (4) years after the date of issue. This  
4 exemption applies even if the same equipment is used for ancillary uses, or is temporarily used for  
5 a non-farming or a non-agricultural purpose, but shall not apply to motor vehicles acquired after  
6 July 1, 2002, unless the vehicle is a farm vehicle as defined pursuant to § 31-1-8 and is eligible for  
7 registration displaying farm plates as provided for in § 31-3-31.

8 (33) Compressed air. From the sale and from the storage, use, or other consumption in the  
9 state of compressed air.

10 (34) Flags. From the sale and from the storage, consumption, or other use in this state of  
11 United States, Rhode Island or POW-MIA flags.

12 (35) Motor vehicle and adaptive equipment to certain veterans. From the sale of a motor  
13 vehicle and adaptive equipment to and for the use of a veteran with a service-connected loss of or  
14 the loss of use of a leg, foot, hand, or arm, or any veteran who is a double amputee, whether service  
15 connected or not. The motor vehicle must be purchased by and especially equipped for use by the  
16 qualifying veteran. Certificate of exemption or refunds of taxes paid is granted under rules or  
17 regulations that the tax administrator may prescribe.

18 (36) Textbooks. From the sale and from the storage, use, or other consumption in this state  
19 of textbooks by an “educational institution,” as defined in subsection (18) of this section, and any  
20 educational institution within the purview of § 16-63-9(4), and used textbooks by any purveyor.

21 (37) Tangible personal property and supplies used in on-site hazardous waste recycling,  
22 reuse, or treatment. From the sale, storage, use, or other consumption in this state of tangible  
23 personal property or supplies used or consumed in the operation of equipment, the exclusive  
24 function of which is the recycling, reuse, or recovery of materials (other than precious metals, as  
25 defined in subdivision (24)(ii) of this section) from the treatment of “hazardous wastes,” as defined  
26 in § 23-19.1-4, where the “hazardous wastes” are generated in Rhode Island solely by the same  
27 taxpayer and where the personal property is located at, in, or adjacent to a generating facility of the  
28 taxpayer in Rhode Island. The taxpayer shall procure an order from the director of the department  
29 of environmental management certifying that the equipment and/or supplies as used or consumed,  
30 qualify for the exemption under this subdivision. If any information relating to secret processes or  
31 methods of manufacture, production, or treatment is disclosed to the department of environmental  
32 management only to procure an order, and is a “trade secret” as defined in § 28-21-10(b), it is not  
33 open to public inspection or publicly disclosed unless disclosure is required under chapter 21 of  
34 title 28 or chapter 24.4 of title 23.

1 (38) Promotional and product literature of boat manufacturers. From the sale and from the  
2 storage, use, or other consumption of promotional and product literature of boat manufacturers  
3 shipped to points outside of Rhode Island that either: (i) Accompany the product that is sold; (ii)  
4 Are shipped in bulk to out-of-state dealers for use in the sale of the product; or (iii) Are mailed to  
5 customers at no charge.

6 (39) Food items paid for by food stamps. From the sale and from the storage, use, or other  
7 consumption in this state of eligible food items payment for which is properly made to the retailer  
8 in the form of U.S. government food stamps issued in accordance with the Food Stamp Act of 1977,  
9 7 U.S.C. § 2011 et seq.

10 (40) Transportation charges. From the sale or hiring of motor carriers as defined in § 39-  
11 12-2(12) to haul goods, when the contract or hiring cost is charged by a motor freight tariff filed  
12 with the Rhode Island public utilities commission on the number of miles driven or by the number  
13 of hours spent on the job.

14 (41) Trade-in value of boats. From the sale and from the storage, use, or other consumption  
15 in this state of so much of the purchase price paid for a new or used boat as is allocated for a trade-  
16 in allowance on the boat of the buyer given in trade to the seller or of the proceeds applicable only  
17 to the boat as are received from an insurance claim as a result of a stolen or damaged boat, towards  
18 the purchase of a new or used boat by the buyer.

19 (42) Equipment used for research and development. From the sale and from the storage,  
20 use, or other consumption of equipment to the extent used for research and development purposes  
21 by a qualifying firm. For the purposes of this subsection, “qualifying firm” means a business for  
22 which the use of research and development equipment is an integral part of its operation and  
23 “equipment” means scientific equipment, computers, software, and related items.

24 (43) Coins. From the sale and from the other consumption in this state of coins having  
25 numismatic or investment value.

26 (44) Farm structure construction materials. Lumber, hardware, and other materials used in  
27 the new construction of farm structures, including production facilities such as, but not limited to:  
28 farrowing sheds, free stall and stanchion barns, milking parlors, silos, poultry barns, laying houses,  
29 fruit and vegetable storages, rooting cellars, propagation rooms, greenhouses, packing rooms,  
30 machinery storage, seasonal farm worker housing, certified farm markets, bunker and trench silos,  
31 feed storage sheds, and any other structures used in connection with commercial farming.

32 (45) Telecommunications carrier access service. Carrier access service or  
33 telecommunications service when purchased by a telecommunications company from another  
34 telecommunications company to facilitate the provision of telecommunications service.

1 (46) Boats or vessels brought into the state exclusively for winter storage, maintenance,  
2 repair, or sale. Notwithstanding the provisions of §§ 44-18-10, 44-18-11 and 44-18-20, the tax  
3 imposed by § 44-18-20 is not applicable for the period commencing on the first day of October in  
4 any year up to and including the 30th day of April next succeeding with respect to the use of any  
5 boat or vessel within this state exclusively for purposes of: (i) Delivery of the vessel to a facility in  
6 this state for storage, including dry storage and storage in water by means of apparatus preventing  
7 ice damage to the hull, maintenance, or repair; (ii) The actual process of storage, maintenance, or  
8 repair of the boat or vessel; or (iii) Storage for the purpose of selling the boat or vessel.

9 (47) Jewelry display product. From the sale and from the storage, use, or other  
10 consumption in this state of tangible personal property used to display any jewelry product;  
11 provided that title to the jewelry display product is transferred by the jewelry manufacturer or seller  
12 and that the jewelry display product is shipped out of state for use solely outside the state and is not  
13 returned to the jewelry manufacturer or seller.

14 (48) Boats or vessels generally. Notwithstanding the provisions of this chapter, the tax  
15 imposed by §§ 44-18-20 and 44-18-18 shall not apply with respect to the sale and to the storage,  
16 use, or other consumption in this state of any new or used boat. The exemption provided for in this  
17 subdivision does not apply after October 1, 1993, unless prior to October 1, 1993, the federal ten  
18 percent (10%) surcharge on luxury boats is repealed.

19 (49) Banks and regulated investment companies interstate toll-free calls. Notwithstanding  
20 the provisions of this chapter, the tax imposed by this chapter does not apply to the furnishing of  
21 interstate and international, toll-free terminating telecommunication service that is used directly  
22 and exclusively by or for the benefit of an eligible company as defined in this subdivision; provided  
23 that an eligible company employs on average during the calendar year no less than five hundred  
24 (500) "full-time equivalent employees" as that term is defined in § 42-64.5-2. For purposes of this  
25 section, an "eligible company" means a "regulated investment company" as that term is defined in  
26 the Internal Revenue Code of 1986, 26 U.S.C. § 851, or a corporation to the extent the service is  
27 provided, directly or indirectly, to or on behalf of a regulated investment company, an employee  
28 benefit plan, a retirement plan or a pension plan, or a state-chartered bank.

29 (50) Mobile and manufactured homes generally. From the sale and from the storage, use,  
30 or other consumption in this state of mobile and/or manufactured homes as defined and subject to  
31 taxation pursuant to the provisions of chapter 44 of title 31.

32 (51) Manufacturing business reconstruction materials.

33 (i) From the sale and from the storage, use, or other consumption in this state of lumber,  
34 hardware, and other building materials used in the reconstruction of a manufacturing business

1 facility that suffers a disaster, as defined in this subdivision, in this state. "Disaster" means any  
2 occurrence, natural or otherwise, that results in the destruction of sixty percent (60%) or more of  
3 an operating manufacturing business facility within this state. "Disaster" does not include any  
4 damage resulting from the willful act of the owner of the manufacturing business facility.

5 (ii) Manufacturing business facility includes, but is not limited to, the structures housing  
6 the production and administrative facilities.

7 (iii) In the event a manufacturer has more than one manufacturing site in this state, the sixty  
8 percent (60%) provision applies to the damages suffered at that one site.

9 (iv) To the extent that the costs of the reconstruction materials are reimbursed by insurance,  
10 this exemption does not apply.

11 (52) Tangible personal property and supplies used in the processing or preparation of floral  
12 products and floral arrangements. From the sale, storage, use, or other consumption in this state of  
13 tangible personal property or supplies purchased by florists, garden centers, or other like producers  
14 or vendors of flowers, plants, floral products, and natural and artificial floral arrangements that are  
15 ultimately sold with flowers, plants, floral products, and natural and artificial floral arrangements  
16 or are otherwise used in the decoration, fabrication, creation, processing, or preparation of flowers,  
17 plants, floral products, or natural and artificial floral arrangements, including descriptive labels,  
18 stickers, and cards affixed to the flower, plant, floral product, or arrangement, artificial flowers,  
19 spray materials, floral paint and tint, plant shine, flower food, insecticide, and fertilizers.

20 (53) Horse food products. From the sale and from the storage, use, or other consumption  
21 in this state of horse food products purchased by a person engaged in the business of the boarding  
22 of horses.

23 (54) Non-motorized recreational vehicles sold to nonresidents.

24 (i) From the sale, subsequent to June 30, 2003, of a non-motorized recreational vehicle to  
25 a bona fide nonresident of this state who does not register the non-motorized recreational vehicle  
26 in this state, whether the sale or delivery of the non-motorized recreational vehicle is made in this  
27 state or at the place of residence of the nonresident; provided that a non-motorized recreational  
28 vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption to  
29 its nonresidents is not exempt from the tax imposed under § 44-18-20; provided, further, that in  
30 that event the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate  
31 that would be imposed in his or her state of residence not to exceed the rate that would have been  
32 imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed, non-motorized  
33 recreational vehicle dealer shall add and collect the tax required under this subdivision and remit  
34 the tax to the tax administrator under the provisions of chapters 18 and 19 of this title. Provided,

1 that when a Rhode Island licensed, non-motorized recreational vehicle dealer is required to add and  
2 collect the sales and use tax on the sale of a non-motorized recreational vehicle to a bona fide  
3 nonresident as provided in this section, the dealer in computing the tax takes into consideration the  
4 law of the state of the nonresident as it relates to the trade-in of motor vehicles.

5 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may  
6 require any licensed, non-motorized recreational vehicle dealer to keep records of sales to bona fide  
7 nonresidents as the tax administrator deems reasonably necessary to substantiate the exemption  
8 provided in this subdivision, including the affidavit of a licensed, non-motorized recreational  
9 vehicle dealer that the purchaser of the non-motorized recreational vehicle was the holder of, and  
10 had in his or her possession a valid out-of-state non-motorized recreational vehicle registration or  
11 a valid out-of-state driver's license.

12 (iii) Any nonresident who registers a non-motorized recreational vehicle in this state within  
13 ninety (90) days of the date of its sale to him or her is deemed to have purchased the non-motorized  
14 recreational vehicle for use, storage, or other consumption in this state, and is subject to, and liable  
15 for, the use tax imposed under the provisions of § 44-18-20.

16 (iv) "Non-motorized recreational vehicle" means any portable dwelling designed and  
17 constructed to be used as a temporary dwelling for travel, camping, recreational, and vacation use  
18 that is eligible to be registered for highway use, including, but not limited to, "pick-up coaches" or  
19 "pick-up campers," "travel trailers," and "tent trailers" as those terms are defined in chapter 1 of  
20 title 31.

21 (55) Sprinkler and fire alarm systems in existing buildings. From the sale in this state of  
22 sprinkler and fire alarm systems; emergency lighting and alarm systems; and the materials  
23 necessary and attendant to the installation of those systems that are required in buildings and  
24 occupancies existing therein in July 2003 in order to comply with any additional requirements for  
25 such buildings arising directly from the enactment of the Comprehensive Fire Safety Act of 2003  
26 and that are not required by any other provision of law or ordinance or regulation adopted pursuant  
27 to that act. The exemption provided in this subdivision shall expire on December 31, 2008.

28 (56) Aircraft. Notwithstanding the provisions of this chapter, the tax imposed by §§ 44-  
29 18-18 and 44-18-20 shall not apply with respect to the sale and to the storage, use, or other  
30 consumption in this state of any new or used aircraft or aircraft parts.

31 (57) Renewable energy products. Notwithstanding any other provisions of Rhode Island  
32 general laws, the following products shall also be exempt from sales tax: solar photovoltaic  
33 modules or panels, or any module or panel that generates electricity from light; solar thermal  
34 collectors, including, but not limited to, those manufactured with flat glass plates, extruded plastic,

1 sheet metal, and/or evacuated tubes; geothermal heat pumps, including both water-to-water and  
2 water-to-air type pumps; wind turbines; towers used to mount wind turbines if specified by or sold  
3 by a wind turbine manufacturer; DC to AC inverters that interconnect with utility power lines; and  
4 manufactured mounting racks and ballast pans for solar collector, module, or panel installation. Not  
5 to include materials that could be fabricated into such racks; monitoring and control equipment, if  
6 specified or supplied by a manufacturer of solar thermal, solar photovoltaic, geothermal, or wind  
7 energy systems or if required by law or regulation for such systems but not to include pumps, fans  
8 or plumbing or electrical fixtures unless shipped from the manufacturer affixed to, or an integral  
9 part of, another item specified on this list; and solar storage tanks that are part of a solar domestic  
10 hot water system or a solar space heating system. If the tank comes with an external heat exchanger  
11 it shall also be tax exempt, but a standard hot water tank is not exempt from state sales tax.

12 (58) Returned property. The amount charged for property returned by customers upon  
13 rescission of the contract of sale when the entire amount exclusive of handling charges paid for the  
14 property is refunded in either cash or credit, and where the property is returned within one hundred  
15 twenty (120) days from the date of delivery.

16 (59) Dietary supplements. From the sale and from the storage, use, or other consumption  
17 of dietary supplements as defined in § 44-18-7.1(v), sold on prescriptions.

18 (60) Blood. From the sale and from the storage, use, or other consumption of human blood.

19 (61) Agricultural products for human consumption. From the sale and from the storage,  
20 use, or other consumption of livestock and poultry of the kinds of products that ordinarily constitute  
21 food for human consumption and of livestock of the kind the products of which ordinarily constitute  
22 fibers for human use.

23 (62) Diesel emission control technology. From the sale and use of diesel retrofit  
24 technology that is required by § 31-47.3-4.

25 (63) Feed for certain animals used in commercial farming. From the sale of feed for  
26 animals as described in subsection (61) of this section.

27 (64) Alcoholic beverages. From the sale and storage, use, or other consumption in this  
28 state by a Class A licensee of alcoholic beverages, as defined in § 44-18-7.1, excluding beer and  
29 malt beverages; provided, further, notwithstanding § 6-13-1 or any other general or public law to  
30 the contrary, alcoholic beverages, as defined in § 44-18-7.1, shall not be subject to minimum  
31 markup.

32 (65) Seeds and plants used to grow food and food ingredients. From the sale, storage, use,  
33 or other consumption in this state of seeds and plants used to grow food and food ingredients as  
34 defined in § 44-18-7.1(i). "Seeds and plants used to grow food and food ingredients" shall not

1 include marijuana seeds or plants.

2 (66) Feminine hygiene products. From the sale and from the storage, use, or other  
3 consumption of tampons, panty liners, menstrual cups, sanitary napkins, and other similar products  
4 the principal use of which is feminine hygiene in connection with the menstrual cycle.

5 (67) "Breast pump collection and storage supplies" means items of tangible personal  
6 property used in conjunction with a breast pump to collect milk expressed from a human breast and  
7 to store collected milk until it is ready for consumption. "Breast pump collection and storage  
8 supplies" include, but are not limited to, breast shields and breast shield connectors; breast pump  
9 tubes and tubing adaptors; breast pump valves and membranes; backflow protectors and backflow  
10 protector adaptors; bottles and bottle caps specific to the operation of the breast pump; breast milk  
11 storage bags; and related items sold as part of a breast pump kit pre-packaged by the breast pump  
12 manufacturer. "Breast pump collection and storage supplies" does not include: bottles and bottle  
13 caps not specific to the operation of the breast pump; breast pump travel bags and other similar  
14 carrying accessories, including ice packs, labels, and other similar products, unless sold as part of  
15 a breast pump kit pre-packed by the breast pump manufacturer; breast pump cleaning supplies,  
16 unless sold as part of a breast pump kit pre-packaged by the breast pump manufacturer; nursing  
17 bras, bra pads, breast shells, and other similar products; and creams, ointments, and other similar  
18 products that relieve breastfeeding-related symptoms or conditions of the breasts or nipples.

19 ~~(68) Trade-in value of motorcycles. From the sale and from the storage, use, or other~~  
20 ~~consumption in this state of so much of the purchase price paid for a new or used motorcycle as is~~  
21 ~~allocated for a trade-in allowance on the motorcycle of the buyer given in trade to the seller, or of~~  
22 ~~the proceeds applicable only to the motorcycle as are received from the manufacturer of~~  
23 ~~motorcycles for the repurchase of the motorcycle whether the repurchase was voluntary or not~~  
24 ~~towards the purchase of a new or used motorcycle by the buyer. For the purpose of this subsection,~~  
25 ~~the word "motorcycle" means a motorcycle not used for hire and does not refer to any other type~~  
26 ~~of motor vehicle.~~

27 SECTION 4. Section 44-30-2.6 of the General Laws in Chapter 44-30 entitled "Personal  
28 Income Tax" is hereby amended to read as follows:

29 **44-30-2.6. Rhode Island taxable income — Rate of tax.**

30 (a) "Rhode Island taxable income" means federal taxable income as determined under the  
31 Internal Revenue Code, 26 U.S.C. § 1 et seq., not including the increase in the basic, standard-  
32 deduction amount for married couples filing joint returns as provided in the Jobs and Growth Tax  
33 Relief Reconciliation Act of 2003 and the Economic Growth and Tax Relief Reconciliation Act of  
34 2001 (EGTRRA), and as modified by the modifications in § 44-30-12.

1 (b) Notwithstanding the provisions of §§ 44-30-1 and 44-30-2, for tax years beginning on  
2 or after January 1, 2001, a Rhode Island personal income tax is imposed upon the Rhode Island  
3 taxable income of residents and nonresidents, including estates and trusts, at the rate of twenty-five  
4 and one-half percent (25.5%) for tax year 2001, and twenty-five percent (25%) for tax year 2002  
5 and thereafter of the federal income tax rates, including capital gains rates and any other special  
6 rates for other types of income, except as provided in § 44-30-2.7, which were in effect immediately  
7 prior to enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA);  
8 provided, rate schedules shall be adjusted for inflation by the tax administrator beginning in taxable  
9 year 2002 and thereafter in the manner prescribed for adjustment by the commissioner of Internal  
10 Revenue in 26 U.S.C. § 1(f). However, for tax years beginning on or after January 1, 2006, a  
11 taxpayer may elect to use the alternative flat tax rate provided in § 44-30-2.10 to calculate his or  
12 her personal income tax liability.

13 (c) For tax years beginning on or after January 1, 2001, if a taxpayer has an alternative  
14 minimum tax for federal tax purposes, the taxpayer shall determine if he or she has a Rhode Island  
15 alternative minimum tax. The Rhode Island alternative minimum tax shall be computed by  
16 multiplying the federal tentative minimum tax without allowing for the increased exemptions under  
17 the Jobs and Growth Tax Relief Reconciliation Act of 2003 (as redetermined on federal form 6251  
18 Alternative Minimum Tax-Individuals) by twenty-five and one-half percent (25.5%) for tax year  
19 2001, and twenty-five percent (25%) for tax year 2002 and thereafter, and comparing the product  
20 to the Rhode Island tax as computed otherwise under this section. The excess shall be the taxpayer's  
21 Rhode Island alternative minimum tax.

22 (1) For tax years beginning on or after January 1, 2005, and thereafter, the exemption  
23 amount for alternative minimum tax, for Rhode Island purposes, shall be adjusted for inflation by  
24 the tax administrator in the manner prescribed for adjustment by the commissioner of Internal  
25 Revenue in 26 U.S.C. § 1(f).

26 (2) For the period January 1, 2007, through December 31, 2007, and thereafter, Rhode  
27 Island taxable income shall be determined by deducting from federal adjusted gross income as  
28 defined in 26 U.S.C. § 62 as modified by the modifications in § 44-30-12 the Rhode Island  
29 itemized-deduction amount and the Rhode Island exemption amount as determined in this section.

30 (A) **Tax imposed.**

31 (1) There is hereby imposed on the taxable income of married individuals filing joint  
32 returns and surviving spouses a tax determined in accordance with the following table:

33 <b>If taxable income is:</b>	<b>The tax is:</b>
34 Not over \$53,150	3.75% of taxable income

1	Over \$53,150 but not over \$128,500	\$1,993.13 plus 7.00% of the excess over
2	\$53,150	
3	Over \$128,500 but not over \$195,850	\$7,267.63 plus 7.75% of the excess over
4	\$128,500	
5		Over \$195,850 but not over \$349,700
6		\$12,487.25 plus 9.00% of the excess over
7		\$195,850
8	Over \$349,700	\$26,333.75 plus 9.90% of the excess over
9		\$349,700

10 (2) There is hereby imposed on the taxable income of every head of household a tax  
11 determined in accordance with the following table:

12	<b>If taxable income is:</b>	<b>The tax is:</b>
13	Not over \$42,650	3.75% of taxable income
14	Over \$42,650 but not over \$110,100	\$1,599.38 plus 7.00% of the excess over
15	\$42,650	
16	Over \$110,100 but not over \$178,350	\$6,320.88 plus 7.75% of the excess over
17	\$110,100	
18	Over \$178,350 but not over \$349,700	\$11,610.25 plus 9.00% of the excess over
19		\$178,350
20	Over \$349,700	\$27,031.75 plus 9.90% of the excess over
21		\$349,700

22 (3) There is hereby imposed on the taxable income of unmarried individuals (other than  
23 surviving spouses and heads of households) a tax determined in accordance with the following  
24 table:

25	<b>If taxable income is:</b>	<b>The tax is:</b>
26	Not over \$31,850	3.75% of taxable income
27	Over \$31,850 but not over \$77,100	\$1,194.38 plus 7.00% of the excess over
28	\$31,850	
29	Over \$77,100 but not over \$160,850	\$4,361.88 plus 7.75% of the excess over
30	\$77,100	
31	Over \$160,850 but not over \$349,700	\$10,852.50 plus 9.00% of the excess over
32		\$160,850
33	Over \$349,700	\$27,849.00 plus 9.90% of the excess over
34		\$349,700

1 (4) There is hereby imposed on the taxable income of married individuals filing separate  
2 returns and bankruptcy estates a tax determined in accordance with the following table:

3 <b>If taxable income is:</b>	<b>The tax is:</b>
4 Not over \$26,575	3.75% of taxable income
5 Over \$26,575 but not over \$64,250	\$996.56 plus 7.00% of the excess over
6 \$26,575	
7 Over \$64,250 but not over \$97,925	\$3,633.81 plus 7.75% of the excess over
8 \$64,250	
9 Over \$97,925 but not over \$174,850	\$6,243.63 plus 9.00% of the excess over
10 \$97,925	
11 Over \$174,850	\$13,166.88 plus 9.90% of the excess over
12	\$174,850

13 (5) There is hereby imposed a taxable income of an estate or trust a tax determined in  
14 accordance with the following table:

15 <b>If taxable income is:</b>	<b>The tax is:</b>
16 Not over \$2,150	3.75% of taxable income
17 Over \$2,150 but not over \$5,000	\$80.63 plus 7.00% of the excess over \$2,150
18 Over \$5,000 but not over \$7,650	\$280.13 plus 7.75% of the excess over
19 \$5,000	
20 Over \$7,650 but not over \$10,450	\$485.50 plus 9.00% of the excess over
21 \$7,650	
22 Over \$10,450	\$737.50 plus 9.90% of the excess over
23 \$10,450	

24 (6) Adjustments for inflation.

25 The dollars amount contained in paragraph (A) shall be increased by an amount equal to:

- 26 (a) Such dollar amount contained in paragraph (A) in the year 1993, multiplied by;
  - 27 (b) The cost-of-living adjustment determined under section (J) with a base year of 1993;
  - 28 (c) The cost-of-living adjustment referred to in subparagraphs (a) and (b) used in making
- 29 adjustments to the nine percent (9%) and nine and nine tenths percent (9.9%) dollar amounts shall  
30 be determined under section (J) by substituting "1994" for "1993."

31 **(B) Maximum capital gains rates.**

32 (1) In general.

33 If a taxpayer has a net capital gain for tax years ending prior to January 1, 2010, the tax  
34 imposed by this section for such taxable year shall not exceed the sum of:

1 (a) 2.5% of the net capital gain as reported for federal income tax purposes under section  
2 26 U.S.C. § 1(h)(1)(a) and 26 U.S.C. § 1(h)(1)(b).

3 (b) 5% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.  
4 § 1(h)(1)(c).

5 (c) 6.25% of the net capital gain as reported for federal income tax purposes under 26  
6 U.S.C. § 1(h)(1)(d).

7 (d) 7% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.  
8 § 1(h)(1)(e).

9 (2) For tax years beginning on or after January 1, 2010, the tax imposed on net capital gain  
10 shall be determined under subdivision 44-30-2.6(c)(2)(A).

11 **(C) Itemized deductions.**

12 (1) In general.

13 For the purposes of section (2), "itemized deductions" means the amount of federal  
14 itemized deductions as modified by the modifications in § 44-30-12.

15 (2) Individuals who do not itemize their deductions.

16 In the case of an individual who does not elect to itemize his deductions for the taxable  
17 year, they may elect to take a standard deduction.

18 (3) Basic standard deduction.

19 The Rhode Island standard deduction shall be allowed in accordance with the following  
20 table:

21 <b>Filing status</b>	<b>Amount</b>
22 Single	\$5,350
23 Married filing jointly or qualifying widow(er)	\$8,900
24 Married filing separately	\$4,450
25 Head of Household	\$7,850

26 (4) Additional standard deduction for the aged and blind.

27 An additional standard deduction shall be allowed for individuals age sixty-five (65) or  
28 older or blind in the amount of \$1,300 for individuals who are not married and \$1,050 for  
29 individuals who are married.

30 (5) Limitation on basic standard deduction in the case of certain dependents.

31 In the case of an individual to whom a deduction under section (E) is allowable to another  
32 taxpayer, the basic standard deduction applicable to such individual shall not exceed the greater of:

33 (a) \$850;

34 (b) The sum of \$300 and such individual's earned income;

1 (6) Certain individuals not eligible for standard deduction.

2 In the case of:

3 (a) A married individual filing a separate return where either spouse itemizes deductions;

4 (b) Nonresident alien individual;

5 (c) An estate or trust;

6 The standard deduction shall be zero.

7 (7) Adjustments for inflation.

8 Each dollar amount contained in paragraphs (3), (4) and (5) shall be increased by an amount  
9 equal to:

10 (a) Such dollar amount contained in paragraphs (3), (4) and (5) in the year 1988, multiplied  
11 by

12 (b) The cost-of-living adjustment determined under section (J) with a base year of 1988.

13 **(D) Overall limitation on itemized deductions.**

14 (1) General rule.

15 In the case of an individual whose adjusted gross income as modified by § 44-30-12  
16 exceeds the applicable amount, the amount of the itemized deductions otherwise allowable for the  
17 taxable year shall be reduced by the lesser of:

18 (a) Three percent (3%) of the excess of adjusted gross income as modified by § 44-30-12  
19 over the applicable amount; or

20 (b) Eighty percent (80%) of the amount of the itemized deductions otherwise allowable for  
21 such taxable year.

22 (2) Applicable amount.

23 (a) In general.

24 For purposes of this section, the term "applicable amount" means \$156,400 (\$78,200 in the  
25 case of a separate return by a married individual)

26 (b) Adjustments for inflation.

27 Each dollar amount contained in paragraph (a) shall be increased by an amount equal to:

28 (i) Such dollar amount contained in paragraph (a) in the year 1991, multiplied by

29 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

30 (3) Phase-out of Limitation.

31 (a) In general.

32 In the case of taxable year beginning after December 31, 2005, and before January 1, 2010,  
33 the reduction under section (1) shall be equal to the applicable fraction of the amount which would  
34 be the amount of such reduction.

1 (b) Applicable fraction.

2 For purposes of paragraph (a), the applicable fraction shall be determined in accordance  
3 with the following table:

4 <b>For Taxable years beginning in calendar year</b>	<b>The applicable fraction is</b>
5 2006 and 2007	$\frac{2}{3}$
6 2008 and 2009	$\frac{1}{3}$

7 (E) **Exemption amount.**

8 (1) In general.

9 Except as otherwise provided in this subsection, the term "exemption amount" means  
10 \$3,400.

11 (2) Exemption amount disallowed in case of certain dependents.

12 In the case of an individual with respect to whom a deduction under this section is allowable  
13 to another taxpayer for the same taxable year, the exemption amount applicable to such individual  
14 for such individual's taxable year shall be zero.

15 (3) Adjustments for inflation.

16 The dollar amount contained in paragraph (1) shall be increased by an amount equal to:

17 (a) Such dollar amount contained in paragraph (1) in the year 1989, multiplied by

18 (b) The cost-of-living adjustment determined under section (J) with a base year of 1989.

19 (4) Limitation.

20 (a) In general.

21 In the case of any taxpayer whose adjusted gross income as modified for the taxable year  
22 exceeds the threshold amount shall be reduced by the applicable percentage.

23 (b) Applicable percentage.

24 In the case of any taxpayer whose adjusted gross income for the taxable year exceeds the  
25 threshold amount, the exemption amount shall be reduced by two (2) percentage points for each  
26 \$2,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year  
27 exceeds the threshold amount. In the case of a married individual filing a separate return, the  
28 preceding sentence shall be applied by substituting "\$1,250" for "\$2,500." In no event shall the  
29 applicable percentage exceed one hundred percent (100%)

30 (c) **Threshold Amount.**

31 For the purposes of this paragraph, the term "threshold amount" shall be determined with  
32 the following table:

33 <b>Filing status</b>	<b>Amount</b>
34 Single	\$156,400

1	Married filing jointly or qualifying widow(er)	\$234,600
2	Married filing separately	\$117,300
3	Head of Household	\$195,500

4 (d) Adjustments for inflation.

5 Each dollar amount contained in paragraph (b) shall be increased by an amount equal to:

6 (i) Such dollar amount contained in paragraph (b) in the year 1991, multiplied by

7 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

8 (5) Phase-out of limitation.

9 (a) In general.

10 In the case of taxable years beginning after December 31, 2005, and before January 1,  
11 2010, the reduction under section 4 shall be equal to the applicable fraction of the amount which  
12 would be the amount of such reduction.

13 (b) Applicable fraction.

14 For the purposes of paragraph (a), the applicable fraction shall be determined in accordance  
15 with the following table:

16	<b>For Taxable years beginning in calendar year</b>	<b>The applicable fraction is</b>
17	2006 and 2007	$\frac{2}{3}$
18	2008 and 2009	$\frac{1}{3}$

19 (F) **Alternative minimum tax.**

20 (1) General rule. There is hereby imposed (in addition to any other tax imposed by this  
21 subtitle) a tax equal to the excess (if any) of:

22 (a) The tentative minimum tax for the taxable year, over

23 (b) The regular tax for the taxable year.

24 (2) The tentative minimum tax for the taxable year is the sum of:

25 (a) 6.5 percent of so much of the taxable excess as does not exceed \$175,000, plus

26 (b) 7.0 percent of so much of the taxable excess above \$175,000.

27 (3) The amount determined under the preceding sentence shall be reduced by the  
28 alternative minimum tax foreign tax credit for the taxable year.

29 (4) Taxable excess. For the purposes of this subsection the term "taxable excess" means so  
30 much of the federal alternative minimum taxable income as modified by the modifications in § 44-  
31 30-12 as exceeds the exemption amount.

32 (5) In the case of a married individual filing a separate return, subparagraph (2) shall be  
33 applied by substituting "\$87,500" for \$175,000 each place it appears.

34 (6) Exemption amount.

1 For purposes of this section "exemption amount" means:

2	<b>Filing status</b>	<b>Amount</b>
3	Single	\$39,150
4	Married filing jointly or qualifying widow(er)	\$53,700
5	Married filing separately	\$26,850
6	Head of Household	\$39,150
7	Estate or trust	\$24,650

8 (7) Treatment of unearned income of minor children

9 (a) In general.

10 In the case of a minor child, the exemption amount for purposes of section (6) shall not  
11 exceed the sum of:

12 (i) Such child's earned income, plus

13 (ii) \$6,000

14 (8) Adjustments for inflation

15 The dollar amount contained in paragraphs (6) and (7) shall be increased by an amount  
16 equal to:

17 (a) Such dollar amount contained in paragraphs (6) and (7) in the year 2004, multiplied by

18 (b) The cost-of-living adjustment determined under section (J) with a base year of 2004.

19 (9) Phase-out.

20 (a) In general.

21 The exemption amount of any taxpayer shall be reduced (but not below zero) by an amount  
22 equal to twenty-five percent (25%) of the amount by which alternative minimum taxable income  
23 of the taxpayer exceeds the threshold amount.

24 (b) Threshold amount.

25 For purposes of this paragraph, the term "threshold amount" shall be determined with the  
26 following table:

27	<b>Filing status</b>	<b>Amount</b>
28	Single	\$123,250
29	Married filing jointly or qualifying widow(er)	\$164,350
30	Married filing separately	\$82,175
31	Head of Household	\$123,250
32	Estate or trust	\$82,150

33 (c) Adjustments for inflation

34 Each dollar amount contained in paragraph (9) shall be increased by an amount equal to:'

- 1 (i) Such dollar amount contained in paragraph (9) in the year 2004, multiplied by  
2 (ii) The cost-of-living adjustment determined under section (J) with a base year of 2004.

3 **(G) Other Rhode Island taxes.**

4 (1) General rule. There is hereby imposed (in addition to any other tax imposed by this  
5 subtitle) a tax equal to twenty-five percent (25%) of:

- 6 (a) The Federal income tax on lump-sum distributions.  
7 (b) The Federal income tax on parents' election to report child's interest and dividends.  
8 (c) The recapture of Federal tax credits that were previously claimed on Rhode Island  
9 return.

10 **(H) Tax for children under 18 with investment income.**

11 (1) General rule. There is hereby imposed a tax equal to twenty-five percent (25%) of:

- 12 (a) The Federal tax for children under the age of 18 with investment income.

13 **(I) Averaging of farm income.**

14 (1) General rule. At the election of an individual engaged in a farming business or fishing  
15 business, the tax imposed in section 2 shall be equal to twenty-five percent (25%) of:

- 16 (a) The Federal averaging of farm income as determined in IRC section 1301 [26 U.S.C. §  
17 1301].

18 **(J) Cost-of-living adjustment.**

19 (1) In general.

20 The cost-of-living adjustment for any calendar year is the percentage (if any) by which:

- 21 (a) The CPI for the preceding calendar year exceeds  
22 (b) The CPI for the base year.

23 (2) CPI for any calendar year.

24 For purposes of paragraph (1), the CPI for any calendar year is the average of the consumer  
25 price index as of the close of the twelve (12) month period ending on August 31 of such calendar  
26 year.

27 (3) Consumer price index.

28 For purposes of paragraph (2), the term "consumer price index" means the last consumer  
29 price index for all urban consumers published by the department of labor. For purposes of the  
30 preceding sentence, the revision of the consumer price index that is most consistent with the  
31 consumer price index for calendar year 1986 shall be used.

32 (4) Rounding.

33 (a) In general.

1           If any increase determined under paragraph (1) is not a multiple of \$50, such increase shall  
2 be rounded to the next lowest multiple of \$50.

3           (b) In the case of a married individual filing a separate return, subparagraph (a) shall be  
4 applied by substituting "\$25" for \$50 each place it appears.

5           **(K) Credits against tax.** For tax years beginning on or after January 1, 2001, a taxpayer  
6 entitled to any of the following federal credits enacted prior to January 1, 1996, shall be entitled to  
7 a credit against the Rhode Island tax imposed under this section:

8           (1) [Deleted by P.L. 2007, ch. 73, art. 7, § 5.]

9           (2) Child and dependent care credit;

10          (3) General business credits;

11          (4) Credit for elderly or the disabled;

12          (5) Credit for prior year minimum tax;

13          (6) Mortgage interest credit;

14          (7) Empowerment zone employment credit;

15          (8) Qualified electric vehicle credit.

16          **(L) Credit against tax for adoption.** For tax years beginning on or after January 1, 2006,  
17 a taxpayer entitled to the federal adoption credit shall be entitled to a credit against the Rhode Island  
18 tax imposed under this section if the adopted child was under the care, custody, or supervision of  
19 the Rhode Island department of children, youth and families prior to the adoption.

20          **(M)** The credit shall be twenty-five percent (25%) of the aforementioned federal credits  
21 provided there shall be no deduction based on any federal credits enacted after January 1, 1996,  
22 including the rate reduction credit provided by the federal Economic Growth and Tax  
23 Reconciliation Act of 2001 (EGTRRA). In no event shall the tax imposed under this section be  
24 reduced to less than zero. A taxpayer required to recapture any of the above credits for federal tax  
25 purposes shall determine the Rhode Island amount to be recaptured in the same manner as  
26 prescribed in this subsection.

27          **(N) Rhode Island earned-income credit.**

28          (1) In general.

29               For tax years beginning before January 1, 2015, a taxpayer entitled to a federal earned-  
30 income credit shall be allowed a Rhode Island earned-income credit equal to twenty-five percent  
31 (25%) of the federal earned-income credit. Such credit shall not exceed the amount of the Rhode  
32 Island income tax.

33               For tax years beginning on or after January 1, 2015, and before January 1, 2016, a taxpayer  
34 entitled to a federal earned-income credit shall be allowed a Rhode Island earned-income credit

1 equal to ten percent (10%) of the federal earned-income credit. Such credit shall not exceed the  
2 amount of the Rhode Island income tax.

3 For tax years beginning on or after January 1, 2016, a taxpayer entitled to a federal earned-  
4 income credit shall be allowed a Rhode Island earned-income credit equal to twelve and one-half  
5 percent (12.5%) of the federal earned-income credit. Such credit shall not exceed the amount of the  
6 Rhode Island income tax.

7 For tax years beginning on or after January 1, 2017, a taxpayer entitled to a federal earned-  
8 income credit shall be allowed a Rhode Island earned-income credit equal to fifteen percent (15%)  
9 of the federal earned-income credit. Such credit shall not exceed the amount of the Rhode Island  
10 income tax.

11 (2) Refundable portion.

12 In the event the Rhode Island earned-income credit allowed under paragraph (N)(1) of this  
13 section exceeds the amount of Rhode Island income tax, a refundable earned-income credit shall  
14 be allowed as follows.

15 (i) For tax years beginning before January 1, 2015, for purposes of paragraph (2)  
16 refundable earned-income credit means fifteen percent (15%) of the amount by which the Rhode  
17 Island earned-income credit exceeds the Rhode Island income tax.

18 (ii) For tax years beginning on or after January 1, 2015, for purposes of paragraph (2)  
19 refundable earned-income credit means one hundred percent (100%) of the amount by which the  
20 Rhode Island earned-income credit exceeds the Rhode Island income tax.

21 (O) The tax administrator shall recalculate and submit necessary revisions to paragraphs  
22 (A) through (J) to the general assembly no later than February 1, 2010, and every three (3) years  
23 thereafter for inclusion in the statute.

24 (3) For the period January 1, 2011, through December 31, 2011, and thereafter, "Rhode  
25 Island taxable income" means federal adjusted gross income as determined under the Internal  
26 Revenue Code, 26 U.S.C. § 1 et seq., and as modified for Rhode Island purposes pursuant to § 44-  
27 30-12 less the amount of Rhode Island Basic Standard Deduction allowed pursuant to subparagraph  
28 44-30-2.6(c)(3)(B), and less the amount of personal exemption allowed pursuant to subparagraph  
29 44-30-2.6(c)(3)(C).

30 (A) **Tax imposed.**

31 (I) There is hereby imposed on the taxable income of married individuals filing joint  
32 returns, qualifying widow(er), every head of household, unmarried individuals, married individuals  
33 filing separate returns and bankruptcy estates, a tax determined in accordance with the following  
34 table:

1	<b>RI Taxable Income</b>		<b>RI Income Tax</b>	
2	Over	But not over	Pay + % on Excess	on the amount
3	over			
4	\$ 0 -	\$ 55,000	\$ 0 + 3.75%	\$ 0
5	55,000 -	125,000	2,063 + 4.75%	55,000
6	125,000 -		5,388 + 5.99%	125,000

7 (II) There is hereby imposed on the taxable income of an estate or trust a tax determined in  
8 accordance with the following table:

9	<b>RI Taxable Income</b>		<b>RI Income Tax</b>	
10	Over	But not over	Pay + % on Excess	on the amount
11	over			
12	\$ 0 -	\$ 2,230	\$ 0 + 3.75%	\$ 0
13	2,230 -	7,022	84 + 4.75%	2,230
14	7,022 -		312 + 5.99%	7,022

15 **(B) Deductions:**

16 (I) Rhode Island Basic Standard Deduction. Only the Rhode Island standard deduction  
17 shall be allowed in accordance with the following table:

18	<b>Filing status</b>	<b>Amount</b>
19	Single	\$7,500
20	Married filing jointly or qualifying widow(er)	\$15,000
21	Married filing separately	\$7,500
22	Head of Household	\$11,250

23 (II) Nonresident alien individuals, estates and trusts are not eligible for standard  
24 deductions.

25 (III) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island  
26 purposes pursuant to § 44-30-12, for the taxable year exceeds one hundred seventy-five thousand  
27 dollars (\$175,000), the standard deduction amount shall be reduced by the applicable percentage.  
28 The term "applicable percentage" means twenty (20) percentage points for each five thousand  
29 dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable  
30 year exceeds one hundred seventy-five thousand dollars (\$175,000).

31 **(C) Exemption Amount:**

32 (I) The term "exemption amount" means three thousand five hundred dollars (\$3,500)  
33 multiplied by the number of exemptions allowed for the taxable year for federal income tax  
34 purposes. For tax years beginning on or after 2018, the term "exemption amount" means the same

1 as it does in 26 U.S.C. § 151 and 26 U.S.C. § 152 just prior to the enactment of the Tax Cuts and  
2 Jobs Act (Pub. L. No. 115-97) on December 22, 2017.

3 (II) Exemption amount disallowed in case of certain dependents. In the case of an  
4 individual with respect to whom a deduction under this section is allowable to another taxpayer for  
5 the same taxable year, the exemption amount applicable to such individual for such individual's  
6 taxable year shall be zero.

7 (III) Identifying information required.

8 (1) Except as provided in § 44-30-2.6(c)(3)(C)(II) of this section, no exemption shall be  
9 allowed under this section with respect to any individual unless the Taxpayer Identification Number  
10 of such individual is included on the federal return claiming the exemption for the same tax filing  
11 period.

12 (2) Notwithstanding the provisions of § 44-30-2.6(c)(3)(C)(I) of this section, in the event  
13 that the Taxpayer Identification Number for each individual is not required to be included on the  
14 federal tax return for the purposes of claiming a personal exemption(s), then the Taxpayer  
15 Identification Number must be provided on the Rhode Island tax return for the purpose of claiming  
16 said exemption(s).

17 (D) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island  
18 purposes pursuant to § 44-30-12, for the taxable year exceeds one hundred seventy-five thousand  
19 dollars (\$175,000), the exemption amount shall be reduced by the applicable percentage. The term  
20 "applicable percentage" means twenty (20) percentage points for each five thousand dollars  
21 (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year  
22 exceeds one hundred seventy-five thousand dollars (\$175,000).

23 (E) **Adjustment for inflation.** The dollar amount contained in subparagraphs 44-30-  
24 2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) shall be increased annually by an amount  
25 equal to:

26 (I) Such dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-2.6(c)(3)(B)  
27 and 44-30-2.6(c)(3)(C) adjusted for inflation using a base tax year of 2000, multiplied by;

28 (II) The cost-of-living adjustment with a base year of 2000.

29 (III) For the purposes of this section, the cost-of-living adjustment for any calendar year is  
30 the percentage (if any) by which the consumer price index for the preceding calendar year exceeds  
31 the consumer price index for the base year. The consumer price index for any calendar year is the  
32 average of the consumer price index as of the close of the twelve-month (12) period ending on  
33 August 31, of such calendar year.

1 (IV) For the purpose of this section the term "consumer price index" means the last  
2 consumer price index for all urban consumers published by the department of labor. For the purpose  
3 of this section the revision of the consumer price index that is most consistent with the consumer  
4 price index for calendar year 1986 shall be used.

5 (V) If any increase determined under this section is not a multiple of fifty dollars (\$50.00),  
6 such increase shall be rounded to the next lower multiple of fifty dollars (\$50.00). In the case of a  
7 married individual filing separate return, if any increase determined under this section is not a  
8 multiple of twenty-five dollars (\$25.00), such increase shall be rounded to the next lower multiple  
9 of twenty-five dollars (\$25.00).

10 (F) **Credits against tax.**

11 (I) Notwithstanding any other provisions of Rhode Island Law, for tax years beginning on  
12 or after January 1, 2011, the only credits allowed against a tax imposed under this chapter shall be  
13 as follows:

14 (a) Rhode Island earned-income credit: Credit shall be allowed for earned-income credit  
15 pursuant to subparagraph 44-30-2.6(c)(2)(N).

16 (b) Property Tax Relief Credit: Credit shall be allowed for property tax relief as provided  
17 in § 44-33-1 et seq.

18 (c) Lead Paint Credit: Credit shall be allowed for residential lead abatement income tax  
19 credit as provided in § 44-30.3-1 et seq.

20 (d) Credit for income taxes of other states. Credit shall be allowed for income tax paid to  
21 other states pursuant to § 44-30-74.

22 (e) Historic Structures Tax Credit: Credit shall be allowed for historic structures tax credit  
23 as provided in § 44-33.2-1 et seq.

24 (f) Motion Picture Productions Tax Credit: Credit shall be allowed for motion picture  
25 production tax credit as provided in § 44-31.2-1 et seq.

26 (g) Child and Dependent Care: Credit shall be allowed for twenty-five percent (25%) of  
27 the federal child and dependent care credit allowable for the taxable year for federal purposes;  
28 provided, however, such credit shall not exceed the Rhode Island tax liability.

29 (h) Tax credits for contributions to Scholarship Organizations: Credit shall be allowed for  
30 contributions to scholarship organizations as provided in chapter 62 of title 44.

31 (i) Credit for tax withheld. Wages upon which tax is required to be withheld shall be taxable  
32 as if no withholding were required, but any amount of Rhode Island personal income tax actually  
33 deducted and withheld in any calendar year shall be deemed to have been paid to the tax  
34 administrator on behalf of the person from whom withheld, and the person shall be credited with

1 having paid that amount of tax for the taxable year beginning in that calendar year. For a taxable  
2 year of less than twelve (12) months, the credit shall be made under regulations of the tax  
3 administrator.

4 (j) Stay Invested in RI Wavemaker Fellowship: Credit shall be allowed for stay invested in  
5 RI wavemaker fellowship program as provided in § 42-64.26-1 et seq.

6 (k) Rebuild Rhode Island: Credit shall be allowed for rebuild RI tax credit as provided in  
7 § 42-64.20-1 et seq.

8 (l) Rhode Island Qualified Jobs Incentive Program: Credit shall be allowed for Rhode  
9 Island new qualified jobs incentive program credit as provided in § 44-48.3-1 et seq.

10 (m) Historic homeownership assistance act: Effective for tax year 2017 and thereafter,  
11 unused carryforward for such credit previously issued shall be allowed for the historic  
12 homeownership assistance act as provided in § 44-33.1-4. This allowance is for credits already  
13 issued pursuant to § 44-33.1-4 and shall not be construed to authorize the issuance of new credits  
14 under the historic homeownership assistance act.

15 (n) Food products donation tax credit: Credit shall be allowed for the food products  
16 donation tax credit as provided in § 44-71-1 et seq.

17 (2) Except as provided in section 1 above, no other state and federal tax credit shall be  
18 available to the taxpayers in computing tax liability under this chapter.

19 SECTION 5. Title 44 of the General Laws entitled "Taxation" is hereby amended by  
20 adding thereto the following chapter:

21 **CHAPTER 44-71**

22 **FOOD PRODUCTS DONATION TAX CREDIT**

23 **44-71-1. Short title.**

24 This chapter shall be known as "The Food Products Donation Tax Credit Act."

25 **44-71-2. Declaration of purpose.**

26 The general assembly finds and declares that it is in the interest of the state of Rhode Island  
27 to promote fresh, healthy, and local food products and to provide an incentive for donations of such  
28 food products to food banks in the state of Rhode Island by providing a tax credit to donors for  
29 their donation of food products to food banks in the state of Rhode Island.

30 **44-71-3. Definitions.**

31 As used in this chapter:

32 (a) "Division of taxation" means the Rhode Island division of taxation.

33 (b) "Donor" means a food producing person that provides free of fee or charge food  
34 products to a food bank operating in Rhode Island.

1 (c) “Food bank” means an entity located in Rhode Island recognized as exempt from federal  
2 taxation under Section 501(c)(3) of the Internal Revenue Code that distributes food products to  
3 individuals in need.

4 (d) “Food producing person” means any person (1) responsible for or engaged in the  
5 business of and (2) deriving income from:

6 (i) Growing fruits, nuts, grains, or vegetables, or other food products; or

7 (ii) Raising beef, poultry, pork, fish, or other food products.

8 (e) “Food products” means fruits, nuts, grains, vegetables, beef, poultry, pork, fish, or any  
9 other edible products raised or grown in the state of Rhode Island, other than cannabis or cannabis  
10 products, that are intended for and fit for human consumption.

11 **44-71-4. Food products donation tax credit.**

12 (a) There is allowed to qualified donors a nonrefundable credit against taxes imposed by  
13 chapters 11 and 30 of title 44 equal to fifteen percent (15%) of the value of the donated food  
14 products as determined under subsection (c) of this section. The amount of the tax credit shall not  
15 exceed \$5,000 for a taxable year. In the case of corporations, the tax credit allowed for any taxable  
16 year shall not reduce the tax due for the year to less than the minimum tax as prescribed in § 44-  
17 11-2(e).

18 (b) If the amount of the tax credit allowed under this chapter exceeds the taxpayer’s total  
19 tax liability for the year in which the credit is allowed, the amount of such credit that exceeds the  
20 taxpayer’s tax liability may be carried forward and applied against the taxes imposed for the  
21 succeeding four (4) years, or until the full amount of the credit is used, whichever occurs first.  
22 Credits allowed to a partnership, a limited liability company taxed as a partnership, or multiple  
23 owners of property shall be passed through to the persons designated as partners, members, or  
24 owners documenting an alternative distribution method without regard to their sharing of other tax  
25 or economic attributes of such entity.

26 (c) At the time of the donation of food products, the donor shall provide to the food bank  
27 the estimated value of the donated food products as determined under subsection (c) of this section.  
28 The food bank shall provide to the donor, on a form prescribed by the division of taxation, a signed  
29 and dated statement containing, at a minimum:

30 (i) The type and quantity of food products donated;

31 (ii) The name, address, and taxpayer identification number of the donor;

32 (iii) The name and address of the donee food bank; and

33 (iv) The estimated value of the donated food products, as provided by the donor.

34 (d) The donor shall determine the value of the donated food products as follows:

1 (i) If there was a previous sale of the food products to a buyer, the donor should retain a  
2 copy of an invoice or other statement identifying the price received by the donor for the food  
3 products of comparable grade or quality; or

4 (ii) If there is no previous sale of the food products to a buyer, the donor shall on the date  
5 of the donation to the food bank, determine the value of the donated food products based on the  
6 fair market value as determined by the average weekly regional produce auction prices or United  
7 States Department of Agriculture prices for meat, fish, and dairy products.

8 (e) For any taxable year for which a donor seeks to claim the tax credit allowed under this  
9 chapter, the donor shall attach to such donor's income tax return a food donation tax credit form,  
10 or other form, as prescribed by the division of taxation along with the donation form provided by  
11 the foodbank to the donor.

12 (f) The total tax credit amount allowed under this chapter shall be calculated and credited  
13 to the donor annually for each year in which the donation of food products is made after the division  
14 of taxation has verified the donor's compliance with the rules and regulations promulgated pursuant  
15 to section 5 of this chapter.

16 **44-71-5. Administration.**

17 (a) The division of taxation shall make available suitable forms as are necessary to  
18 implement the purposes of this chapter.

19 (b) The division of taxation may adopt guidelines, directives, criteria, and rules and  
20 regulations as are necessary to implement the purposes of this chapter.

21 SECTION 6. This article shall take effect upon passage except for Section 3 which shall  
22 take effect on October 1, 2023 and Section 5 which shall take effect for tax periods beginning on  
23 or after January 1, 2023.

1 **ARTICLE 7**

2 **RELATING TO ECONOMIC DEVELOPMENT**

3 SECTION 1. Sections 42-64.20-5 and 42-64.20-10 of the General Laws in Chapter 42-  
4 64.20 entitled "Rebuild Rhode Island Tax Credit Act" are hereby amended to read as follows:

5 **42-64.20-5. Tax credits. [Effective January 1, 2023]**

6 (a) An applicant meeting the requirements of this chapter may be allowed a credit as set  
7 forth hereinafter against taxes imposed upon such person under applicable provisions of title 44 of  
8 the general laws for a qualified development project.

9 (b) To be eligible as a qualified development project entitled to tax credits, an applicant's  
10 chief executive officer or equivalent officer shall demonstrate to the commerce corporation, at the  
11 time of application, that:

12 (1) The applicant has committed a capital investment or owner equity of not less than  
13 twenty percent (20%) of the total project cost;

14 (2) There is a project financing gap in which after taking into account all available private  
15 and public funding sources, the project is not likely to be accomplished by private enterprise  
16 without the tax credits described in this chapter; and

17 (3) The project fulfills the state's policy and planning objectives and priorities in that:

18 (i) The applicant will, at the discretion of the commerce corporation, obtain a tax  
19 stabilization agreement from the municipality in which the real estate project is located on such  
20 terms as the commerce corporation deems acceptable;

21 (ii) It (A) Is a commercial development consisting of at least 25,000 square feet occupied  
22 by at least one business employing at least 25 full-time employees after construction or such  
23 additional full-time employees as the commerce corporation may determine; (B) Is a multi-family  
24 residential development in a new, adaptive reuse, certified historic structure, or recognized  
25 historical structure consisting of at least 20,000 square feet and having at least 20 residential units  
26 in a hope community; or (C) Is a mixed-use development in a new, adaptive reuse, certified historic  
27 structure, or recognized historical structure consisting of at least 25,000 square feet occupied by at  
28 least one business, subject to further definition through rules and regulations promulgated by the  
29 commerce corporation; and

30 (iii) Involves a total project cost of not less than \$5,000,000, except for a qualified  
31 development project located in a hope community or redevelopment area designated under § 45-  
32 32-4 in which event the commerce corporation shall have the discretion to modify the minimum  
33 project cost requirement.

1 (c) The commerce corporation shall develop separate, streamlined application processes  
2 for the issuance of rebuild RI tax credits for each of the following:

- 3 (1) Qualified development projects that involve certified historic structures;
- 4 (2) Qualified development projects that involve recognized historical structures;
- 5 (3) Qualified development projects that involve at least one manufacturer; and
- 6 (4) Qualified development projects that include affordable housing or workforce housing.

7 (d) Applications made for a historic structure or recognized historic structure tax credit  
8 under chapter 33.6 of title 44 shall be considered for tax credits under this chapter. The division of  
9 taxation, at the expense of the commerce corporation, shall provide communications from the  
10 commerce corporation to those who have applied for and are in the queue awaiting the offer of tax  
11 credits pursuant to chapter 33.6 of title 44 regarding their potential eligibility for the rebuild RI tax  
12 credit program.

13 (e) Applicants (1) Who have received the notice referenced in subsection (d) above and  
14 who may be eligible for a tax credit pursuant to chapter 33.6 of title 44, (2) Whose application  
15 involves a certified historic structure or recognized historical structure, or (3) Whose project is  
16 occupied by at least one manufacturer shall be exempt from the requirements of subsections  
17 (b)(3)(ii) and (b)(3)(iii). The following procedure shall apply to such applicants:

18 (i) The division of taxation shall remain responsible for determining the eligibility of an  
19 applicant for tax credits awarded under chapter 33.6 of title 44;

20 (ii) The commerce corporation shall retain sole authority for determining the eligibility of  
21 an applicant for tax credits awarded under this chapter; and

22 (iii) The commerce corporation shall not award in excess of fifteen percent (15%) of the  
23 annual amount authorized in any fiscal year to applicants seeking tax credits pursuant to this  
24 subsection (e).

25 (f) **Maximum project credit.**

26 (1) For qualified development projects, the maximum tax credit allowed under this chapter  
27 shall be the lesser of (i) Thirty percent (30%) of the total project cost; or (ii) The amount needed to  
28 close a project financing gap (after taking into account all other private and public funding sources  
29 available to the project), as determined by the commerce corporation.

30 (2) The credit allowed pursuant to this chapter, inclusive of any sales and use tax  
31 exemptions allowed pursuant to this chapter, shall not exceed fifteen million dollars (\$15,000,000)  
32 for any qualified development project under this chapter; except as provided in subsection (f)(3) of  
33 this section; provided however, any qualified development project that exceeds the project cap upon  
34 passage of this act shall be deemed not to exceed the cap, shall not be reduced, nor shall it be further

1 increased. No building or qualified development project to be completed in phases or in multiple  
2 projects shall exceed the maximum project credit of fifteen million dollars (\$15,000,000) for all  
3 phases or projects involved in the rehabilitation of the building. Provided, however, that for  
4 purposes of this subsection and no more than once in a given fiscal year, the commerce corporation  
5 may consider the development of land and buildings by a developer on the "I-195 land" as defined  
6 in § 42-64.24-3(6) as a separate, qualified development project from a qualified development  
7 project by a tenant or owner of a commercial condominium or similar legal interest including  
8 leasehold improvement, fit out, and capital investment. Such qualified development project by a  
9 tenant or owner of a commercial condominium or similar legal interest on the I-195 land may be  
10 exempted from subsection (f)(1)(i) of this section.

11 (3) The credit allowed pursuant to this chapter, inclusive of any sales and use tax  
12 exemptions allowed pursuant to this chapter, shall not exceed twenty-five million dollars  
13 (\$25,000,000) for the project for which the I-195 redevelopment district was authorized to enter  
14 into a purchase and sale agreement for parcels 42 and P4 on December 19, 2018, provided that  
15 project is approved for credits pursuant to this chapter by the commerce corporation.

16 (g) Credits available under this chapter shall not exceed twenty percent (20%) of the project  
17 cost, provided, however, that the applicant shall be eligible for additional tax credits of not more  
18 than ten percent (10%) of the project cost, if the qualified development project meets any of the  
19 following criteria or other additional criteria determined by the commerce corporation from time  
20 to time in response to evolving economic or market conditions:

21 (1) The project includes adaptive reuse or development of a recognized historical structure;

22 (2) The project is undertaken by or for a targeted industry;

23 (3) The project is located in a transit-oriented development area;

24 (4) The project includes residential development of which at least twenty percent (20%) of  
25 the residential units are designated as affordable housing or workforce housing;

26 (5) The project includes the adaptive reuse of property subject to the requirements of the  
27 industrial property remediation and reuse act, § 23-19.14-1 et seq.; or

28 (6) The project includes commercial facilities constructed in accordance with the minimum  
29 environmental and sustainability standards, as certified by the commerce corporation pursuant to  
30 Leadership in Energy and Environmental Design or other equivalent standards.

31 (h) **Maximum aggregate credits.** The aggregate sum authorized pursuant to this chapter,  
32 inclusive of any sales and use tax exemptions allowed pursuant to this chapter, shall not exceed  
33 ~~two hundred ten million dollars (\$210,000,000)~~ two hundred twenty five million dollars  
34 (\$225,000,000), excluding any tax credits allowed pursuant to subsection (f)(3) of this section.

1 (i) Tax credits shall not be allowed under this chapter prior to the taxable year in which the  
2 project is placed in service.

3 (j) The amount of a tax credit allowed under this chapter shall be allowable to the taxpayer  
4 in up to five, annual increments; no more than thirty percent (30%) and no less than fifteen percent  
5 (15%) of the total credits allowed to a taxpayer under this chapter may be allowable for any taxable  
6 year.

7 (k) If the portion of the tax credit allowed under this chapter exceeds the taxpayer's total  
8 tax liability for the year in which the relevant portion of the credit is allowed, the amount that  
9 exceeds the taxpayer's tax liability may be carried forward for credit against the taxes imposed for  
10 the succeeding four (4) years, or until the full credit is used, whichever occurs first. Credits allowed  
11 to a partnership, a limited-liability company taxed as a partnership, or multiple owners of property  
12 shall be passed through to the persons designated as partners, members, or owners respectively pro  
13 rata or pursuant to an executed agreement among persons designated as partners, members, or  
14 owners documenting an alternate distribution method without regard to their sharing of other tax  
15 or economic attributes of such entity.

16 (l) The commerce corporation, in consultation with the division of taxation, shall establish,  
17 by regulation, the process for the assignment, transfer, or conveyance of tax credits.

18 (m) For purposes of this chapter, any assignment or sales proceeds received by the taxpayer  
19 for its assignment or sale of the tax credits allowed pursuant to this section shall be exempt from  
20 taxation under title 44. If a tax credit is subsequently revoked or adjusted, the seller's tax calculation  
21 for the year of revocation or adjustment shall be increased by the total amount of the sales proceeds,  
22 without proration, as a modification under chapter 30 of title 44. In the event that the seller is not a  
23 natural person, the seller's tax calculation under chapter 11, 13, 14, or 17 of title 44, as applicable,  
24 for the year of revocation, or adjustment, shall be increased by including the total amount of the  
25 sales proceeds without proration.

26 (n) The tax credit allowed under this chapter may be used as a credit against corporate  
27 income taxes imposed under chapter 11, 13, 14, or 17, of title 44, or may be used as a credit against  
28 personal income taxes imposed under chapter 30 of title 44 for owners of pass-through entities such  
29 as a partnership, a limited-liability company taxed as a partnership, or multiple owners of property.

30 (o) In the case of a corporation, this credit is only allowed against the tax of a corporation  
31 included in a consolidated return that qualifies for the credit and not against the tax of other  
32 corporations that may join in the filing of a consolidated tax return.

33 (p) Upon request of a taxpayer and subject to annual appropriation, the state shall redeem  
34 this credit, in whole or in part, for ninety percent (90%) of the value of the tax credit. The division

1 of taxation, in consultation with the commerce corporation, shall establish by regulation a  
2 redemption process for tax credits.

3 (q) Projects eligible to receive a tax credit under this chapter may, at the discretion of the  
4 commerce corporation, be exempt from sales and use taxes imposed on the purchase of the  
5 following classes of personal property only to the extent utilized directly and exclusively in the  
6 project: (1) Furniture, fixtures, and equipment, except automobiles, trucks, or other motor vehicles;  
7 or (2) Other materials, including construction materials and supplies, that are depreciable and have  
8 a useful life of one year or more and are essential to the project.

9 (r) The commerce corporation shall promulgate rules and regulations for the administration  
10 and certification of additional tax credit under subsection (e), including criteria for the eligibility,  
11 evaluation, prioritization, and approval of projects that qualify for such additional tax credit.

12 (s) The commerce corporation shall not have any obligation to make any award or grant  
13 any benefits under this chapter.

14 **42-64.20-10. Sunset.**

15 No credits shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~  
16 ~~2023~~December 31, 2024.

17 SECTION 2. Section 42-64.21-9 of the General Laws in Chapter 42-64.21 entitled “Rhode  
18 Island Tax Increment Financing” is hereby amended to read as follows:

19 **42-64.21-9. Sunset.**

20 The commerce corporation shall enter into no agreement under this chapter after December  
21 31, ~~2023~~2024.

22 SECTION 3. Section 42-64.22-15 of the General Laws in Chapter 42-64.22 entitled “Tax  
23 Stabilization Incentive” is hereby amended to read as follows:

24 **42-64.22-15. Sunset.**

25 The commerce corporation shall enter into no agreement under this chapter after ~~December~~  
26 ~~31, 2023~~December 31, 2024.

27 SECTION 4. Section 42-64.23-8 of the General Laws in Chapter 42-64.23 entitled “First  
28 Wave Closing Fund Act” is hereby amended to read as follows:

29 **42-64.23-8. Sunset.**

30 No financing shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~  
31 ~~2023~~December 31, 2024.

32 SECTION 5. Section 42-64.24-8 of the General Laws in Chapter 42-64.24 entitled “I-195  
33 Redevelopment Project Fund Act” is hereby amended as follows:

34 **42-64.24-8. Sunset.**

1 No funding, credits, or incentives shall be authorized or authorized to be reserved pursuant  
2 to this chapter after ~~December 31, 2023~~December 31, 2024.

3 SECTION 6. Section 42-64.25-14 of the General Laws in Chapter 42-64.24 entitled “Small  
4 Business Assistance Program Act” is hereby amended as follows:

5 **42-64.25-14 Sunset.**

6 No grants, funding, or incentives shall be authorized pursuant to this chapter ~~after~~  
7 ~~December 31, 2023~~ December 31, 2024.

8 SECTION 7. Sections 42-64.26-3, 42-64.26-4, 42-64.26-5 and 42-64.26-12 of the General  
9 Laws in Chapter 42-64.26 entitled “Stay Invested in RI Wavemaker Fellowship” are hereby  
10 amended to read as follows:

11 **42-64.26-3. Definitions.**

12 As used in this chapter:

13 (1) “Applicant” means an eligible graduate who applies for a tax credit for education loan  
14 repayment expenses under this chapter.

15 (2) “Award” means a tax credit awarded by the commerce corporation to an applicant as  
16 provided under this chapter.

17 (3) “Commerce corporation” means the Rhode Island commerce corporation established  
18 pursuant to chapter 64 of this title.

19 (4) “Eligibility period” means a term of up to four (4) consecutive service periods  
20 beginning with the date that an eligible graduate receives initial notice of award under this chapter  
21 and expiring at the conclusion of the fourth service period after such date specified.

22 (5) “Eligibility requirements” means the following qualifications or criteria required for an  
23 applicant to claim an award under this chapter:

24 (i) That the applicant shall have graduated from an accredited two-year (2), four-year (4)  
25 or graduate postsecondary institution of higher learning with an associate’s, bachelor’s, graduate,  
26 or post-graduate degree and at which the applicant incurred education loan repayment expenses;

27 (ii) That the applicant shall be a full-time employee with a Rhode Island-based employer  
28 located in this state throughout the eligibility period, whose employment is

29 (a) for work in one or more of the following covered fields: life, natural or environmental  
30 sciences; computer, information or software technology; advanced mathematics or finance;  
31 engineering; industrial design or other commercially related design field; or medicine or medical  
32 device technology;

33 (b) as a teacher; or

34 (c) as a healthcare applicant.

1 (6) “Eligible expenses” or “education loan repayment expenses” means annual higher  
2 education loan repayment expenses, including, without limitation, principal, interest and fees, as  
3 may be applicable, incurred by an eligible graduate and which the eligible graduate is obligated to  
4 repay for attendance at a postsecondary institution of higher learning.

5 (7) “Eligible graduate” means an individual who meets the eligibility requirements under  
6 this chapter.

7 (8) “Full-time employee” means a person who is employed by a business for consideration  
8 for a minimum of at least thirty-five (35) hours per week, or who renders any other standard of  
9 service generally accepted by custom or practice as full-time employment, or who is employed by  
10 a professional employer organization pursuant to an employee leasing agreement between the  
11 business and the professional employer organization for a minimum of thirty-five (35) hours per  
12 week, or who renders any other standard of service generally accepted by custom or practice as  
13 full-time employment, and whose wages are subject to withholding.

14 (9) “Healthcare applicant” means any applicant who meets the eligibility requirements and  
15 works as a full-time employee as a high-demand healthcare practitioner or mental health  
16 professional, including, but not limited to, clinical social workers and mental health counselors  
17 licensed by the department of health, and as defined in regulations to be promulgated by the  
18 commerce corporation, in consultation with the executive office of health and human services,  
19 pursuant to chapter 35 of this title.

20 ~~(10) “Healthcare fund” refers to the “Healthcare Stay Invested in RI Wavemaker~~  
21 ~~Fellowship Fund” established pursuant to § 42-64.26-4(b).~~

22 (140) “Rhode Island-based employer” means: (i) An employer having a principal place of  
23 business or at least fifty-one percent (51%) of its employees located in this state; or (ii) An employer  
24 registered to conduct business in this state that reported Rhode Island tax liability in the previous  
25 tax year.

26 (121) “Service period” means a twelve-month (12) period beginning on the date that an  
27 eligible graduate receives initial notice of award under this chapter.

28 (123) “~~STEM/design~~ Fund” refers to the “Stay Invested in RI Wavemaker Fellowship  
29 Fund” established pursuant to § 42-64.26-4(a).

30 (134) “Student loan” means a loan to an individual by a public authority or private lender  
31 to assist the individual to pay for tuition, books, and living expenses in order to attend a  
32 postsecondary institution of higher learning.

33 (145) “Taxpayer” means an applicant who receives a tax credit under this chapter.

1 (15) “Teacher” shall have the meaning prescribed to it in rules and regulations to be  
2 promulgated by the Commerce Corporation in consultation with the Rhode Island Department of  
3 Elementary and Secondary Education.

4 **42-64.26-4. Establishment of funds — Purposes — Composition.**

5 (a) There is hereby established the “Stay Invested in RI Wavemaker Fellowship Fund” to  
6 be administered by the commerce corporation as set forth in this chapter.

7 ~~(b) There is hereby established the “Healthcare Stay Invested in RI Wavemaker Fellowship~~  
8 ~~Fund” to be administered by the commerce corporation as set forth in this chapter.~~

9 (b~~e~~) The purpose of the ~~STEM/design fund, and healthcare fund~~ is to expand employment  
10 opportunities in the state and to retain talented individuals in the state by providing tax credits in  
11 relation to education loan repayment expenses to applicants who meet the eligibility requirements  
12 under this chapter.

13 (c~~d~~) The ~~STEM/design fund, and healthcare~~ shall consist of:

14 (1) Money appropriated in the state budget to the fund;

15 (2) Money made available to the fund through federal programs or private contributions;

16 and

17 (3) Any other money made available to the fund.

18 (d~~e~~) The ~~STEM/design~~ fund shall be used to pay for the redemption of tax credits or  
19 reimbursement to the state for tax credits applied against the tax liability of any ~~non-healthcare~~  
20 applicant who received an award. ~~The healthcare fund shall be used to pay for the redemption of~~  
21 ~~tax credits or reimbursement to the state for tax credits applied against the tax liability of any~~  
22 ~~healthcare applicant who received an award on or after July 1, 2022.~~ The funds shall be exempt  
23 from attachment, levy, or any other process at law or in equity. The director of the department of  
24 revenue shall make a requisition to the commerce corporation for funding during any fiscal year as  
25 may be necessary to pay for the redemption of tax credits presented for redemption or to reimburse  
26 the state for tax credits applied against a taxpayer’s tax liability. The commerce corporation shall  
27 pay from the funds such amounts as requested by the director of the department of revenue  
28 necessary for redemption or reimbursement in relation to tax credits granted under this chapter.

29 **42-64.26-5. Administration.**

30 (a) **Application.** An eligible graduate claiming an award under this chapter shall submit  
31 to the commerce corporation an application in the manner that the commerce corporation shall  
32 prescribe.

33 (b) Upon receipt of a proper application from an applicant who meets all of the eligibility  
34 requirements, the commerce corporation shall select applicants on a competitive basis to receive

1 credits for up to a maximum amount for each service period of one thousand dollars (\$1,000) for  
2 an associate's degree holder, four thousand dollars (\$4,000) for a bachelor's degree holder, and six  
3 thousand dollars (\$6,000) for a graduate or post-graduate degree holder, but not to exceed the  
4 education loan repayment expenses incurred by such taxpayer during each service period  
5 completed, for up to four (4) consecutive service periods provided that the taxpayer continues to  
6 meet the eligibility requirements throughout the eligibility period. The commerce corporation shall  
7 delegate the selection of the applicants that are to receive awards to a fellowship committee to be  
8 convened by the commerce corporation and promulgate the selection procedures the fellowship  
9 committee will use, which procedures shall require that the committee's consideration of  
10 applications be conducted on a name-blind and employer-blind basis and that the applications and  
11 other supporting documents received or reviewed by the fellowship committee shall be redacted of  
12 the applicant's name, street address, and other personally-identifying information as well as the  
13 applicant's employer's name, street address, and other employer-identifying information. The  
14 commerce corporation shall determine the composition of the fellowship committee and the  
15 selection procedures it will use in consultation with the state's chambers of commerce.  
16 Notwithstanding the foregoing, the commerce corporation shall create and establish a committee  
17 to evaluate any healthcare applicant for an award in the same manner as prescribed in this  
18 subsection. The executive office of health and human services ("EOHHS") shall be represented on  
19 the committee and provide consultation to the commerce corporation on selection procedures.  
20 Notwithstanding EOHHS's consultation and representation in the selection of healthcare  
21 applicants, the commerce corporation shall administer all other aspects of a healthcare applicant's  
22 application, award, and certification.

23 (c) The credits awarded under this chapter shall not exceed one hundred percent (100%) of  
24 the education loan repayment expenses incurred by such taxpayer during each service period  
25 completed for up to four (4) consecutive service periods. Tax credits shall be issued annually to the  
26 taxpayer upon proof that (i) The taxpayer has actually incurred and paid such education loan  
27 repayment expenses; (ii) The taxpayer continues to meet the eligibility requirements throughout  
28 the service period; (iii) The award shall not exceed the original loan amount plus any capitalized  
29 interest less award previously claimed under this section; and (iv) The taxpayer claiming an award  
30 is current on his or her student loan repayment obligations.

31 (d) The commerce corporation shall not commit to overall ~~STEM/design~~ awards in excess  
32 of the amount contained in the ~~STEM/design~~ fund ~~or to overall healthcare awards in excess of the~~  
33 ~~amount contained in the healthcare fund.~~

1 (e) The commerce corporation shall reserve seventy percent (70%) of the awards issued in  
2 a calendar year to applicants who are permanent residents of the state of Rhode Island or who  
3 attended an institution of higher education located in Rhode Island when they incurred the  
4 education loan expenses to be repaid.

5 (f) In administering award, the commerce corporation shall:

6 (1) Require suitable proof that an applicant meets the eligibility requirements for award  
7 under this chapter;

8 (2) Determine the contents of applications and other materials to be submitted in support  
9 of an application for award under this chapter; and

10 (3) Collect reports and other information during the eligibility period for each award to  
11 verify that a taxpayer continues to meet the eligibility requirements for an award.

12 **42-64.26-12. Sunset.**

13 No incentives or credits shall be authorized pursuant to this chapter after ~~December 31,~~  
14 ~~2023~~December 31, 2024.

15 SECTION 8. Sections 42-64.27-2 and 42-64.27-6 of the General Laws in Chapter 42-64.27  
16 entitled "Main Street Rhode Island Streetscape Improvement Fund" are hereby amended as  
17 follows:

18 **42-64.27-2. Fund Established.**

19 The main street RI streetscape improvement fund is hereby created within the Rhode Island  
20 commerce corporation. The commerce corporation is authorized, within available appropriations,  
21 to administer a program to award loans, matching grants, and other forms of financing to facilitate  
22 improvement of streetscapes such as but not limited to (1) enhanced sidewalks, (2) new wayfinding  
23 signage, (3) upgraded building facades, ~~and~~ (4) improved street and public space lighting, and (5)  
24 technical assistance, in support of creating an ~~attractive~~ environment for small business  
25 development and commerce. The commerce corporation shall include maximum amounts for  
26 program administration and awards for technical assistance in the rules and regulations  
27 promulgated pursuant to § 42-64.27-3. Applications and awards of grants or loans shall be on a  
28 rolling basis. There is established an account in the name of the "main street RI streetscape  
29 improvement fund" under the control of the commerce corporation, and the commerce corporation  
30 shall pay into such account any eligible funds available to the commerce corporation from any  
31 source, including funds appropriated by the state and any grants made available by the United States  
32 or any agency of the United States.

33 **42-64.27-6. Sunset.**

1 No incentives shall be authorized pursuant to this chapter after ~~December 31,~~  
2 ~~2023~~[December 31, 2024](#).

3 SECTION 9. Sections 42-64.28-6 and 42-64.28-10 of the General Laws in Chapter 42-  
4 64.28 entitled “Innovation Initiative” is hereby amended as follows:

5 **42-64.28-6. Voucher amounts and matching fund awards.**

6 (a) Voucher award amounts to a selected applicant shall be determined by the corporation,  
7 to be in the minimum amount of five thousand dollars (\$5,000) and the maximum amount of ~~fifty~~  
8 ~~thousand dollars (\$50,000)~~ [seventy-five thousand dollars \(\\$75,000\)](#), subject to appropriations or  
9 other available moneys in the fund.

10 (b) Matching fund awards shall be awarded to organizations in an amount approved by the  
11 corporation, subject to appropriations or other available moneys in the fund.

12 **42-64.28-10. Sunset.**

13 No vouchers, grants, or incentives shall be authorized pursuant to this chapter after  
14 ~~December 31, 2023~~[December 31, 2024](#).

15 SECTION 10. Section 42-64.31-4 of the General Laws in Chapter 42-64.31 entitled “High  
16 School, College, and Employer Partnerships” is hereby amended as follows:

17 **42-64.31-4. Sunset.**

18 No grants shall be authorized pursuant to this chapter after ~~December 31, 2023~~[December](#)  
19 [31, 2024](#).

20 SECTION 11. Section 42-64.32-6 of the General Laws in Chapter 42-64.32 entitled “Air  
21 Service Development Fund” is hereby amended as follows:

22 **42-64.32-6. Sunset.**

23 No grants, credits, or incentives shall be authorized or authorized to be reserved pursuant  
24 to this chapter after ~~December 31, 2023~~[December 31, 2024](#).

25 SECTION 12. Section 44-48.3-14 of the General Laws in Chapter 44-48.3 entitled “Rhode  
26 Island Qualified Jobs Incentive Act of 2015” is hereby amended as follows:

27 **44-48.3-14. Sunset.**

28 No credits shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~  
29 ~~2023~~[December 31, 2024](#).

30 SECTION 13. This article shall take effect upon passage.

1 **ARTICLE 8**

2 **RELATING TO EDUCATION**

3 SECTION 1. Section 16-7-41.1 of the General Laws in Chapter 16-7 entitled “Foundation  
4 Level School Support [See Title 16 Chapter 97 – The Rhode Island Board of Education Act]” is  
5 hereby amended to read as follows:

6 **16-7-41.1. Eligibility for reimbursement.**

7 (a) School districts, not municipalities, may apply for and obtain approval for a project  
8 under the necessity of school construction process set forth in the regulations of the council on  
9 elementary and secondary education, provided, however, in the case of a municipality that issues  
10 bonds through the Rhode Island health and educational building corporation to finance or refinance  
11 school facilities for a school district that is not part of the municipality, the municipality may apply  
12 for and obtain approval for a project. Such approval will remain valid until June 30 of the third  
13 fiscal year following the fiscal year in which the council on elementary and secondary education’s  
14 approval is granted. Only those projects undertaken at school facilities under the care and control  
15 of the school committee and located on school property may qualify for reimbursement under §§  
16 16-7-35 — 16-7-47. Facilities with combined school and municipal uses or facilities that are  
17 operated jointly with any other profit or nonprofit agency do not qualify for reimbursement under  
18 §§ 16-7-35 — 16-7-47. Projects completed by June 30 of a fiscal year are eligible for  
19 reimbursement in the following fiscal year. A project for new school housing or additional housing  
20 shall be deemed to be completed when the work has been officially accepted by the school  
21 committee or when the housing is occupied for its intended use by the school committee, whichever  
22 is earlier.

23 (b) Notwithstanding the provisions of this section, the board of regents shall not grant final  
24 approval for any project between June 30, 2011, and May 1, 2015, except for projects that are  
25 necessitated by immediate health and safety reasons. In the event that a project is requested during  
26 the moratorium because of immediate health and safety reasons, those proposals shall be reported  
27 to the chairs of the house and senate finance committees.

28 (c) Any project approval granted prior to the adoption of the school construction  
29 regulations in 2007, and which are currently inactive; and any project approval granted prior to the  
30 adoption of the school construction regulations in 2007 which did not receive voter approval or  
31 which has not been previously financed, are no longer eligible for reimbursement under this  
32 chapter. The department of elementary and secondary education shall develop recommendations  
33 for further cost containment strategies in the school housing aid program.

1 (d) Beginning July 1, 2015, the council on elementary and secondary education shall  
2 approve new necessity of school construction applications on an annual basis. The department of  
3 elementary and secondary education shall develop an annual application timeline for local  
4 education agencies seeking new necessity of school construction approvals.

5 (e) Beginning July 1, 2019, no state funding shall be provided for projects in excess of ten  
6 million dollars (\$10,000,000) unless the prime contractor for the project has received  
7 prequalification from the school building authority.

8 (f) Beginning July 1, 2019, the necessity of school construction process set forth in the  
9 regulations of the council on elementary and secondary education shall include a single statewide  
10 process, developed with the consultation of the department of environmental management, that will  
11 ensure community involvement throughout the investigation and remediation of contaminated  
12 building sites for possible reuse as the location of a school. That process will fulfill all provisions  
13 of § 23-19.14-5 related to the investigation of reuse of such sites for schools.

14 (g) Beginning July 1, 2019, school housing projects exceeding one million five hundred  
15 thousand dollars (\$1,500,000) subject to inflation shall include an owner's program manager and a  
16 commissioning agent. The cost of the program manager and commissioning agent shall be  
17 considered a project cost eligible for aid pursuant to §§ 16-7-41 and 16-105-5.

18 (h) Temporary housing, or swing space, for students shall be a reimbursable expense so  
19 long as a district can demonstrate that no other viable option to temporarily house students exists  
20 and provided that use of the temporary space is time limited for a period not to exceed twenty-four  
21 (24) months and tied to a specific construction project.

22 (i) Environmental site remediation, as defined by the school building authority, shall be a  
23 reimbursable expense up to one million dollars (\$1,000,000) per project.

24 (j) If, within thirty (30) years of construction, a newly constructed school is sold to a private  
25 entity, the state shall receive a portion of the sale proceeds equal to that project's housing aid  
26 reimbursement rate at the time of project completion.

27 (k) All projects must comply with § 37-13-6, ensuring that prevailing wage laws are being  
28 followed, and § 37-14.1-6, ensuring that minority business enterprises reach a minimum of ~~ten~~  
29 fifteen percent (~~10~~15%) of the dollar value of the bid.

30 SECTION 2. Sections 16-7.2-3 and 16-7.2-5 of the General Laws in Chapter 16-7.2 entitled  
31 "The Education Equity and Property Tax Relief Act" are hereby amended to read as follows:

32 **16-7.2-3. Permanent foundation education aid established.**

33 (a) Beginning in the 2012 fiscal year, the following foundation education-aid formula shall  
34 take effect. The foundation education aid for each district shall be the sum of the core instruction

1 amount in subdivision (a)(1) and the amount to support high-need students in subdivision (a)(2),  
2 which shall be multiplied by the district state-share ratio calculated pursuant to § 16-7.2-4 to  
3 determine the foundation aid.

4 (1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-  
5 instruction amount as established by the department of elementary and secondary education,  
6 derived from the average of northeast regional expenditure data for the states of Rhode Island,  
7 Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistics  
8 (NCES) that will adequately fund the student instructional needs as described in the basic education  
9 program and multiplied by the district average daily membership as defined in § 16-7-22.  
10 Expenditure data in the following categories: instruction and support services for students,  
11 instruction, general administration, school administration, and other support services from the  
12 National Public Education Financial Survey, as published by NCES, and enrollment data from the  
13 Common Core of Data, also published by NCES, will be used when determining the core-  
14 instruction amount. The core-instruction amount will be updated annually. For the purpose of  
15 calculating this formula, school districts' resident average daily membership shall exclude charter  
16 school and state-operated school students.

17 (2) The amount to support high-need students beyond the core-instruction amount shall be  
18 determined by multiplying a student success factor of forty percent (40%) by the core instruction  
19 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child  
20 whose family income is at or below one hundred eighty-five percent (185%) of federal poverty  
21 guidelines, hereinafter referred to as "poverty status." Provided further, for the fiscal year beginning  
22 July 1, 2023 and for subsequent fiscal years, the student success factor shall be forty-two percent  
23 (42%). By October 1, 2022, as part of its budget submission pursuant to § 35-3-4 relative to state  
24 fiscal year 2024 and thereafter, the department of elementary and secondary education shall  
25 develop and utilize a poverty measure that in the department's assessment most accurately serves  
26 as a proxy for the poverty status referenced in this subsection and does not rely on the  
27 administration of school nutrition programs. The department shall utilize this measure in  
28 calculations pursuant to this subsection related to the application of the student success factor, in  
29 calculations pursuant to § 16-7.2-4 related to the calculation of the state share ratio, and in the  
30 formulation of estimates pursuant to subsection (b) below. The department may also include any  
31 recommendations which seek to mitigate any disruptions associated with the implementation of  
32 this new poverty measure or improve the accuracy of its calculation.

33 (3) The amount to support homeless students beyond the core-instruction amount shall be  
34 determined by multiplying a factor of twenty-five percent (25%) by the core instruction per-pupil

1 [amount described in subdivision \(a\)\(1\) and applying that amount for each resident child whose](#)  
2 [family is experiencing homelessness.](#)

3 (b) The department of elementary and secondary education shall provide an estimate of the  
4 foundation education aid cost as part of its budget submission pursuant to § 35-3-4. The estimate  
5 shall include the most recent data available as well as an adjustment for average daily membership  
6 growth or decline based on the prior year experience.

7 (c) In addition, the department shall report updated figures based on the average daily  
8 membership as of October 1 by December 1.

9 (d) Local education agencies may set aside a portion of funds received under subsection  
10 (a) to expand learning opportunities such as after school and summer programs, full-day  
11 kindergarten and/or multiple pathway programs, provided that the basic education program and all  
12 other approved programs required in law are funded.

13 (e) The department of elementary and secondary education shall promulgate such  
14 regulations as are necessary to implement fully the purposes of this chapter.

15 **16-7.2-5. Charter public schools, the William M. Davies, Jr. Career and Technical**  
16 **High School, and the Metropolitan Regional Career and Technical Center.**

17 (a) Charter public schools, as defined in chapter 77 of this title, the William M. Davies, Jr.  
18 Career and Technical High School (Davies), and the Metropolitan Regional Career and Technical  
19 Center (the Met Center) shall be funded pursuant to § 16-7.2-3. If the October 1 actual enrollment  
20 data for any charter public school shows a ten percent (10%) or greater change from the prior year  
21 enrollment that is used as the reference year average daily membership, the last six (6) monthly  
22 payments to the charter public school will be adjusted to reflect actual enrollment. The state share  
23 of the permanent foundation education aid shall be paid by the state directly to the charter public  
24 schools, Davies, and the Met Center pursuant to § 16-7.2-9 and shall be calculated using the state-  
25 share ratio of the district of residence of the student as set forth in § 16-7.2-4. The department of  
26 elementary and secondary education shall provide the general assembly with the calculation of the  
27 state share of permanent foundation education aid for charter public schools delineated by school  
28 district.

29 (b) The local share of education funding shall be paid to the charter public school, Davies,  
30 and the Met Center by the district of residence of the student and shall be the local, per-pupil cost  
31 calculated by dividing the local appropriation to education from property taxes, net of debt service,  
32 and capital projects, as defined in the uniform chart of accounts by the average daily membership  
33 for each city and town, pursuant to § 16-7-22, for the reference year.

1 (c) Beginning in FY 2017, there shall be a reduction to the local per-pupil funding paid by  
2 the district of residence to charter public schools, Davies, and the Met Center. This reduction shall  
3 be equal to the greater (i) Of seven percent (7%) of the local, per-pupil funding of the district of  
4 residence pursuant to subsection (b) or (ii) The per-pupil value of the district's costs for non-public  
5 textbooks, transportation for non-public students, retiree health benefits, out-of-district special-  
6 education tuition and transportation, services for students age eighteen (18) to twenty-one (21)  
7 years old, pre-school screening and intervention, and career and technical education, tuition and  
8 transportation costs, debt service and rental costs minus the average expenses incurred by charter  
9 schools for those same categories of expenses as reported in the uniform chart of accounts for the  
10 prior preceding fiscal year pursuant to § 16-7-16(11) and verified by the department of elementary  
11 and secondary education. In the case where audited financials result in a change in the calculation  
12 after the first tuition payment is made, the remaining payments shall be based on the most recent  
13 audited data. For those districts whose greater reduction occurs under the calculation of (ii), there  
14 shall be an additional reduction to payments to mayoral academies with teachers who do not  
15 participate in the state teacher's retirement system under chapter 8 of title 36 equal to the per-pupil  
16 value of teacher retirement costs attributable to unfunded liability as calculated by the state's  
17 actuary for the prior preceding fiscal year.

18 (d) Local district payments to charter public schools, Davies, and the Met Center for each  
19 district's students enrolled in these schools shall be made on a quarterly basis in July, October,  
20 January, and April; however, the first local-district payment shall be made by August 15, instead  
21 of July. Failure of the community to make the local-district payment for its student(s) enrolled in a  
22 charter public school, Davies, and/or the Met Center may result in the withholding of state  
23 education aid pursuant to § 16-7-31.

24 (e) Beginning in FY 2017, school districts with charter public school, Davies, and the Met  
25 Center enrollment, that, combined, comprise five percent (5%) or more of the average daily  
26 membership as defined in § 16-7-22, shall receive additional aid for a period of three (3) years. Aid  
27 in FY 2017 shall be equal to the number of charter public school, open-enrollment schools, Davies,  
28 or the Met Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount  
29 of one hundred seventy-five dollars (\$175). Aid in FY 2018 shall be equal to the number of charter  
30 public school, open-enrollment schools, Davies, or the Met Center students as of the reference year  
31 as defined in § 16-7-16 times a per-pupil amount of one hundred dollars (\$100). Aid in FY 2019  
32 shall be equal to the number of charter public school, open-enrollment schools, Davies, or the Met  
33 Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount of fifty

1 dollars (\$50.00). The additional aid shall be used to offset the adjusted fixed costs retained by the  
2 districts of residence.

3 (f) School districts with charter public school, Davies, and the Met Center enrollment, that,  
4 combined, comprise five percent (5%) or more of the average daily membership as defined in § 16-  
5 7-22, shall receive additional aid intended to help offset the impact of new and expanding charter  
6 schools. For FY 2022, aid shall be equal to the number of new students being served as determined  
7 by the difference between the reference year as defined in § 16-7-16 and FY 2019 times a per-pupil  
8 amount of five hundred dollars (\$500). For FY 2023 ~~and thereafter~~, aid shall be equal to the number  
9 of new students being served as determined by the difference between the reference year as defined  
10 in § 16-7-16 and the prior reference year times a per-pupil amount of five hundred dollars (\$500).  
11 The additional aid shall be used to offset the adjusted fixed costs retained by the districts of  
12 residence.

13 (g) Beginning in FY 2024 and annually thereafter, the aid to school districts that have had  
14 new charter school seats added at any time after July 1, 2023 shall be equal to sixty percent (60%)  
15 of the foundation education aid for the added seats in the first year of any such increase, thirty  
16 percent (30%) in the second year, and zero percent 0% in the third year and thereafter.

17 SECTION 3. This Article shall take effect upon passage.



1 of monies to the general treasurer and deposited to the general fund. Every hospital shall, on or  
2 before June 15, 2022, make a return to the tax administrator containing the correct computation of  
3 net patient-services revenue for the hospital fiscal year ending September 30, 2020, and the  
4 licensing fee due upon that amount. All returns shall be signed by the hospital's authorized  
5 representative, subject to the pains and penalties of perjury.

6 ~~(e)~~ (b) There is also imposed a hospital licensing fee for state fiscal year 2023 against each  
7 hospital in the state. The hospital licensing fee is equal to five and forty-two hundredths percent  
8 (5.42%) of the net patient-services revenue of every hospital for the hospital's first fiscal year  
9 ending on or after January 1, 2021, except that the license fee for all hospitals located in Washington  
10 County, Rhode Island shall be discounted by thirty-seven percent (37%). The discount for  
11 Washington County hospitals is subject to approval by the Secretary of the U.S. Department of  
12 Health and Human Services of a state plan amendment submitted by the executive office of health  
13 and human services for the purpose of pursuing a waiver of the uniformity requirement for the  
14 hospital license fee. This licensing fee shall be administered and collected by the tax administrator,  
15 division of taxation within the department of revenue, and all the administration, collection, and  
16 other provisions of chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to  
17 the tax administrator on or before June 30, 2023, and payments shall be made by electronic transfer  
18 of monies to the general treasurer and deposited to the general fund. Every hospital shall, on or  
19 before May 25, 2023, make a return to the tax administrator containing the correct computation of  
20 net patient-services revenue for the hospital fiscal year ending September 30, 2021, and the  
21 licensing fee due upon that amount. All returns shall be signed by the hospital's authorized  
22 representative, subject to the pains and penalties of perjury.

23 (c) There is also imposed a hospital licensing fee described in subsections d through g for  
24 state fiscal year 2024 against net patient-services revenue of every non-government owned hospital  
25 as defined herein for the hospital's first fiscal year ending on or after January 1, 2022. The hospital  
26 licensing fee shall have three (3) tiers with differing fees based on inpatient and outpatient net  
27 patient-services revenue. The executive office of health and human services, in consultation with  
28 the tax administrator, shall identify the hospitals in each tier, subject to the definitions in this  
29 section, by July 15, 2023, and shall notify each hospital of its tier by August 1, 2023.

30 (d) Tier 1 is composed of hospitals that do not meet the description of either Tier 2 or Tier  
31 3.

32 (1) The inpatient hospital licensing fee for Tier 1 is equal to thirteen and fifty-four  
33 hundredths percent (13.54%) of the inpatient net patient-services revenue derived from inpatient  
34 net patient-services revenue of every Tier 1 hospital.

1           (2) The outpatient hospital licensing fee for Tier 1 is equal to thirteen and seventy-three  
2 hundredths percent (13.73%) of the net patient-services revenue derived from outpatient net  
3 patient-services revenue of every Tier 1 hospital.

4           (e) Tier 2 is composed of High Medicaid/Uninsured Cost Hospitals and Independent  
5 Hospitals.

6           (1) The inpatient hospital licensing fee for Tier 2 is equal to two and seventy-one  
7 hundredths (2.71%) of the inpatient net patient-services revenue derived from inpatient net patient-  
8 services revenue of every Tier 2 hospital.

9           (2) The outpatient hospital licensing fee for Tier 2 is equal to two and seven-five one  
10 hundredths (2.75%) of the outpatient net patient-services revenue derived from outpatient net  
11 patient-services revenue of every Tier 2 hospital.

12           (f) Tier 3 is composed of hospitals that are Medicare-designated Low Volume hospitals  
13 and rehabilitative hospitals.

14           (1) The inpatient hospital licensing fee for Tier 3 is equal to one and thirty-five hundredths  
15 (1.35%) of the inpatient net patient-services revenue derived from inpatient net patient-services  
16 revenue of every Tier 3 hospital.

17           (2) The outpatient hospital licensing fee for Tier 3 is equal to one and thirty-seven  
18 hundredths (1.37%) of the outpatient net patient-services revenue derived from outpatient net  
19 patient-services revenue of every Tier 3 hospital.

20           (g) There is also imposed a hospital licensing fee for state fiscal year 2024 against state-  
21 government owned and operated hospitals in the state as defined therein. The hospital licensing  
22 fee is equal to five and forty-two hundredths percent (5.42%) of the net patient-services revenue of  
23 every hospital for the hospital's first fiscal year ending on or after January 1, 2022.

24           (h) The hospital licensing fee described in subsections (c) through (g) is subject to U.S.  
25 Department of Health and Human Services approval of a request to waive the requirement that  
26 health care-related taxes be imposed uniformly as contained in 42 CFR 433.68(d).

27           (i) This hospital licensing fee shall be administered and collected by the tax administrator,  
28 division of taxation within the department of revenue, and all the administration, collection, and  
29 other provisions of chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to  
30 the tax administrator on a quarterly basis and fully before June 30, 2024, and payments shall be  
31 made by electronic transfer of monies to the tax administrator and deposited to the general fund.  
32 Every hospital shall, on or before August 1, 2023, make a return to the tax administrator containing  
33 the correct computation of inpatient and outpatient net patient-services revenue for the hospital

1 [fiscal year ending in 2022, and the licensing fee due upon that amount. All returns shall be signed](#)  
2 [by the hospital's authorized representative, subject to the pains and penalties of perjury.](#)

3 ~~(d)~~ (j) For purposes of this section the following words and phrases have the following  
4 meanings:

5 (1) "Hospital" means the actual facilities and buildings in existence in Rhode Island,  
6 licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on  
7 that license, regardless of changes in licensure status pursuant to chapter 17.14 of this title (hospital  
8 conversions) and § 23-17-6(b) (change in effective control), that provides short-term acute inpatient  
9 and/or outpatient care to persons who require definitive diagnosis and treatment for injury, illness,  
10 disabilities, or pregnancy. Notwithstanding the preceding language, the negotiated Medicaid  
11 managed care payment rates for a court-approved purchaser that acquires a hospital through  
12 receivership, special mastership, or other similar state insolvency proceedings (which court-  
13 approved purchaser is issued a hospital license after January 1, 2013) shall be based upon the newly  
14 negotiated rates between the court-approved purchaser and the health plan, and such rates shall be  
15 effective as of the date that the court-approved purchaser and the health plan execute the initial  
16 agreement containing the newly negotiated rate. The rate-setting methodology for inpatient hospital  
17 payments and outpatient hospital payments set forth in §§ 40-8-13.4(b) and 40-8-13.4(b)(2),  
18 respectively, shall thereafter apply to negotiated increases for each annual twelve-month (12)  
19 period as of July 1 following the completion of the first full year of the court-approved purchaser's  
20 initial Medicaid managed care contract.

21 (2) ["Non-government owned hospitals" means a hospital not owned and operated by the](#)  
22 [state of Rhode Island.](#)

23 (3) ["State-government owned and operated hospitals" means a hospital facility licensed by](#)  
24 [the Rhode Island Department of Health, owned and operated by the state of Rhode Island.](#)

25 (4) ["Rehabilitative Hospital" means Rehabilitation Hospital Center licensed by the Rhode](#)  
26 [Island Department of Health.](#)

27 (5) ["Independent Hospitals" means a hospital not part of a multi-hospital system](#)

28 (6) ["High Medicaid/Uninsured Cost Hospital" means a hospital for which the hospital's](#)  
29 [total uncompensated care, as calculated pursuant to § 40-8.3-2\(4\), divided by the hospital's total](#)  
30 [net patient-services revenues, is equal to 6.0% or greater.](#)

31 (7) ["Medicare-designated Low Volume Hospital" means a hospital that qualifies under 42](#)  
32 [CFR 412.101\(b\)\(2\) for additional Medicare payments to qualifying hospitals for the higher](#)  
33 [incremental costs associated with a low volume of discharges.](#)

1           ~~(8)~~ (8) “Gross patient-services revenue” means the gross revenue related to patient care  
2 services.

3           ~~(9)~~ (9) “Net patient-services revenue” means the charges related to patient care services  
4 less (i) Charges attributable to charity care; (ii) Bad debt expenses; and (iii) Contractual allowances.

5           (10) “Inpatient net patient-services revenue” means the charges related to inpatient care  
6 services less (i) Charges attributable to charity care; (ii) Bad debt expenses; and (iii) Contractual  
7 allowances.

8           (11) “Outpatient net patient-services revenue” means the charges related to outpatient care  
9 services less (i) Charges attributable to charity care; (ii) Bad debt expenses; and (iii) Contractual  
10 allowances.

11           ~~(k)~~ (k) The tax administrator in consultation with the executive office of health and human  
12 services shall make and promulgate any rules, regulations, and procedures not inconsistent with  
13 state law and fiscal procedures that he or she deems necessary for the proper administration of this  
14 section and to carry out the provisions, policy, and purposes of this section.

15           ~~(l)~~ (l) The licensing fee imposed by subsection (a) shall apply to hospitals as defined herein  
16 that are duly licensed on July 1, ~~2020~~ 2021, and shall be in addition to the inspection fee imposed  
17 by § 23-17-38 and to any licensing fees previously imposed in accordance with this section.

18           ~~(m)~~ (m) The licensing fee imposed by subsection (b) shall apply to hospitals as defined  
19 herein that are duly licensed on July 1, ~~2021~~ 2022, and shall be in addition to the inspection fee  
20 imposed by § 23-17-38 and to any licensing fees previously imposed in accordance with this  
21 section.

22           ~~(n)~~ (n) The licensing fees imposed by subsections (c) through (g) shall apply to hospitals  
23 as defined herein that are duly licensed on July 1, ~~2022~~ 2023, and shall be in addition to the  
24 inspection fee imposed by § 23-17-38 and to any licensing fees previously imposed in accordance  
25 with this section.

26           SECTION 2. Sections 40-8.3-2 and 40-8.3-3 of the General Laws in Chapter 40-8 entitled  
27 “Uncompensated Care” is hereby amended to read as follows:

28           **40-8.3-2. Definitions.**

29           As used in this chapter:

30           (1) "Base year" means, for the purpose of calculating a disproportionate share payment for  
31 any fiscal year ending after September 30, ~~2021~~ 2022, the period from October 1, ~~2019~~ 2020,  
32 through September 30, ~~2020~~ 2021, and for any fiscal year ending after September 30, ~~2022~~ 2023,  
33 the period from October 1, ~~2019~~ 2021, through September 30, ~~2020~~ 2022.

1 (2) "Medicaid inpatient utilization rate for a hospital" means a fraction (expressed as a  
2 percentage), the numerator of which is the hospital's number of inpatient days during the base year  
3 attributable to patients who were eligible for medical assistance during the base year and the  
4 denominator of which is the total number of the hospital's inpatient days in the base year.

5 (3) "Participating hospital" means any nongovernment and nonpsychiatric hospital that:

6 (i) Was licensed as a hospital in accordance with chapter 17 of title 23 during the base year  
7 and shall mean the actual facilities and buildings in existence in Rhode Island, licensed pursuant to  
8 § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on that license, regardless  
9 of changes in licensure status pursuant to chapter 17.14 of title 23 (hospital conversions) and § 23-  
10 17-6(b) (change in effective control), that provides short-term, acute inpatient and/or outpatient  
11 care to persons who require definitive diagnosis and treatment for injury, illness, disabilities, or  
12 pregnancy. Notwithstanding the preceding language, the negotiated Medicaid managed care  
13 payment rates for a court-approved purchaser that acquires a hospital through receivership,  
14 special mastership, or other similar state insolvency proceedings (which court-approved  
15 purchaser is issued a hospital license after January 1, 2013), shall be based upon the newly  
16 negotiated rates between the court-approved purchaser and the health plan, and the rates  
17 shall be effective as of the date that the court-approved purchaser and the health plan  
18 execute the initial agreement containing the newly negotiated rate. The rate-setting  
19 methodology for inpatient hospital payments and outpatient hospital payments set forth in §§ 40-  
20 8-13.4(b)(1)(ii)(C) and 40-8-13.4(b)(2), respectively, shall thereafter apply to negotiated increases  
21 for each annual twelve-month (12) period as of July 1 following the completion of the first full year  
22 of the court-approved purchaser's initial Medicaid managed care contract;

23 (ii) Achieved a medical assistance inpatient utilization rate of at least one percent (1%)  
24 during the base year; and

25 (iii) Continues to be licensed as a hospital in accordance with chapter 17 of title 23 during  
26 the payment year.

27 (4) "Uncompensated-care costs" means, as to any hospital, the sum of: (i) The cost  
28 incurred by the hospital during the base year for inpatient or outpatient services attributable to  
29 charity care (free care and bad debts) for which the patient has no health insurance or other third-  
30 party coverage less payments, if any, received directly from such patients; and (ii) The cost  
31 incurred by the hospital during the base year for inpatient or outpatient services attributable  
32 to Medicaid beneficiaries less any Medicaid reimbursement received therefor; multiplied by  
33 the uncompensated-care index.

1 (5) "Uncompensated-care index" means the annual percentage increase for hospitals  
2 established pursuant to § 27-19-14 [repealed] for each year after the base year, up to and  
3 including the payment year; provided, however, that the uncompensated-care index for the  
4 payment year ending September 30, 2007, shall be deemed to be five and thirty-eight  
5 hundredths percent (5.38%), and that the uncompensated-care index for the payment year ending  
6 September 30, 2008, shall be deemed to be five and forty-seven hundredths percent (5.47%),  
7 and that the uncompensated-care index for the payment year ending September 30, 2009, shall  
8 be deemed to be five and thirty-eight hundredths percent (5.38%), and that the uncompensated-care  
9 index for the payment years ending September 30, 2010, September 30, 2011, September 30,  
10 2012, September 30, 2013, September 30, 2014, September 30, 2015, September 30, 2016,  
11 September 30, 2017, September 30, 2018, September 30, 2019, September 30, 2020,  
12 September 30, 2021, September 30, 2022, September 30, 2023, and September 30, 2024 shall be  
13 deemed to be five and thirty hundredths percent (5.30%).

14 **40-8.3-3. Implementation.**

15 ~~(a) For federal fiscal year 2021, commencing on October 1, 2020, and ending September~~  
16 ~~30, 2021, the executive office of health and human services shall submit to the Secretary of the~~  
17 ~~United States Department of Health and Human Services a state plan amendment to the Rhode~~  
18 ~~Island Medicaid DSH Plan to provide:~~

19 ~~(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of~~  
20 ~~\$142.5 million, shall be allocated by the executive office of health and human services to the Pool~~  
21 ~~D component of the DSH Plan; and~~

22 ~~(2) That the Pool D allotment shall be distributed among the participating hospitals in direct~~  
23 ~~proportion to the individual participating hospital's uncompensated care costs for the base year,~~  
24 ~~inflated by the uncompensated care index to the total uncompensated care costs for the base year~~  
25 ~~inflated by the uncompensated care index for all participating hospitals. The disproportionate share~~  
26 ~~payments shall be made on or before July 12, 2021, and are expressly conditioned upon approval~~  
27 ~~on or before July 5, 2021, by the Secretary of the United States Department of Health and Human~~  
28 ~~Services, or his or her authorized representative, of all Medicaid state plan amendments necessary~~  
29 ~~to secure for the state the benefit of federal financial participation in federal fiscal year 2021 for~~  
30 ~~the disproportionate share payments.~~

31 ~~(b)~~ (a) For federal fiscal year 2022, commencing on October 1, 2021, and ending  
32 September 30, 2022, the executive office of health and human services shall submit to the Secretary  
33 of the United States Department of Health and Human Services a state plan amendment to the  
34 Rhode Island Medicaid DSH Plan to provide:

1 (1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of  
2 \$145.1 million, shall be allocated by the executive office of health and human services to the Pool  
3 D component of the DSH Plan; and

4 (2) That the Pool D allotment shall be distributed among the participating hospitals in direct  
5 proportion to the individual participating hospital's uncompensated-care costs for the base year,  
6 inflated by the uncompensated-care index to the total uncompensated-care costs for the base year  
7 inflated by the uncompensated-care index for all participating hospitals. The disproportionate share  
8 payments shall be made on or before June 30, 2022, and are expressly conditioned upon approval  
9 on or before July 5, 2022, by the Secretary of the United States Department of Health and Human  
10 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary  
11 to secure for the state the benefit of federal financial participation in federal fiscal year 2022 for  
12 the disproportionate share payments.

13 ~~(1)~~ (b) For federal fiscal year 2023, commencing on October 1, 2022, and ending  
14 September 30, 2023, the executive office of health and human services shall submit to the Secretary  
15 of the United States Department of Health and Human Services a state plan amendment to the  
16 Rhode Island Medicaid DSH Plan to provide:

17 (1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of  
18 \$145.1 million, shall be allocated by the executive office of health and human services to the Pool  
19 D component of the DSH Plan; and

20 (2) That the Pool D allotment shall be distributed among the participating hospitals in direct  
21 proportion to the individual participating hospital's uncompensated-care costs for the base year,  
22 inflated by the uncompensated-care index to the total uncompensated-care costs for the base year  
23 inflated by the uncompensated-care index for all participating hospitals. The disproportionate share  
24 payments shall be made on or before June 15, 2023, and are expressly conditioned upon approval  
25 on or before June 23, 2023, by the Secretary of the United States Department of Health and Human  
26 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary  
27 to secure for the state the benefit of federal financial participation in federal fiscal year 2023 for  
28 the disproportionate share payments.

29 (c) For federal fiscal year 2024, commencing on October 1, 2023, and ending September  
30 30, 2024, the executive office of health and human services shall submit to the Secretary of the  
31 United States Department of Health and Human Services a state plan amendment to the Rhode  
32 Island Medicaid DSH Plan to provide:

1           (1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of  
2 \$15.2 million shall be allocated by the executive office of health and human services to the Pool D  
3 component of the DSH Plan; and

4           (2) That the Pool D allotment shall be distributed among the participating hospitals in direct  
5 proportion to the individual participating hospital's uncompensated-care costs for the base year,  
6 inflated by the uncompensated-care index to the total uncompensated-care costs for the base year  
7 inflated by the uncompensated-care index for all participating hospitals. The disproportionate share  
8 payments shall be made on or before June 15, 2024, and are expressly conditioned upon approval  
9 on or before June 23, 2024, by the Secretary of the United States Department of Health and Human  
10 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary  
11 to secure for the state the benefit of federal financial participation in federal fiscal year 2024 for  
12 the disproportionate share payments.

13           (d) No provision is made pursuant to this chapter for disproportionate-share hospital  
14 payments to participating hospitals for uncompensated-care costs related to graduate medical  
15 education programs.

16           (e) The executive office of health and human services is directed, on at least a monthly  
17 basis, to collect patient-level uninsured information, including, but not limited to, demographics,  
18 services rendered, and reason for uninsured status from all hospitals licensed in Rhode Island.

19           (f) [Deleted by P.L. 2019, ch. 88, art. 13, § 6.]

20           SECTION 3. Sections 40-8.9-1 and 40-8.9-9 of the General Laws in Chapter 40-8.9 entitled  
21 "Long-Term Care Service and Finance Reform" are hereby amended to read as follows:

22           **40-8.9-1. Findings.**

23           (a) The number of Rhode Islanders in need of long-term-care services continues to rise  
24 substantially, and the quality of life of these Rhode Islanders is determined by the capacity of the  
25 ~~long-term-care-system-state~~ to ~~provide~~ ensure equitable access to the full array of services and  
26 supports required to meet their healthcare needs and maintain their independence.

27           (b) It is in the interest of all Rhode Islanders to endorse and fund statewide efforts to build  
28 a fiscally sound, dynamic and resilient long-term-care system that ~~supports-~~ fosters: consumer  
29 independence and choice; the delivery of high-quality, coordinated services; the financial integrity  
30 of all participants-purchasers, payers, providers, and consumers; and the responsible and efficient  
31 allocation of all available public and private resources-, including preservation of federal financial  
32 participation.

1 (c) It is in the interest of all Rhode Islanders to assure that rates paid for community-based  
2 long-term-care services are adequate to assure high quality ~~as well as~~ and supportive of support  
3 workforce recruitment and retention.

4 (d) It is in the interest of all Rhode Islanders to improve consumers' access information  
5 regarding community-based alternatives to institutional settings of care.

6 (e) It is in the best interest of all Rhode Islanders to maintain a person-centered, quality  
7 driven, and conflict-free system of publicly financed long-term services and supports that is  
8 responsive to the goals and preferences of those served.

9 **40-8.9-9. Long-term-care rebalancing system reform goal.**

10 (a) Notwithstanding any other provision of state law, the executive office of health and  
11 human services is authorized and directed to apply for, and obtain, any necessary waiver(s), waiver  
12 amendment(s), and/or state-plan amendments from the Secretary of the United States Department  
13 of Health and Human Services, and to promulgate rules necessary to adopt an affirmative plan of  
14 program design and implementation that addresses the goal of allocating a minimum of fifty percent  
15 (50%) of Medicaid long-term-care funding for persons aged sixty-five (65) and over and adults  
16 with disabilities, in addition to services for persons with developmental disabilities, to home- and  
17 community-based care; provided, further, the executive office shall report annually as part of its  
18 budget submission, the percentage distribution between institutional care and home- and  
19 community-based care by population and shall report current and projected waiting lists for long-  
20 term-care and home- and community-based care services. The executive office is further authorized  
21 and directed to prioritize investments in home- and community-based care and to maintain the  
22 integrity and financial viability of all current long-term-care services while pursuing this goal.

23 (b) The reformed long-term-care system rebalancing goal is person-centered and  
24 encourages individual self-determination, family involvement, interagency collaboration, and  
25 individual choice through the provision of highly specialized and individually tailored home-based  
26 services. Additionally, individuals with severe behavioral, physical, or developmental disabilities  
27 must have the opportunity to live safe and healthful lives through access to a wide range of  
28 supportive services in an array of community-based settings, regardless of the complexity of their  
29 medical condition, the severity of their disability, or the challenges of their behavior. Delivery of  
30 services and supports in less-costly and less-restrictive community settings will enable children,  
31 adolescents, and adults to be able to curtail, delay, or avoid lengthy stays in long-term-care  
32 institutions, such as behavioral health residential-treatment facilities, long-term-care hospitals,  
33 intermediate-care facilities, and/or skilled nursing facilities.

1 (c) Pursuant to federal authority procured under § 42-7.2-16, the executive office of health  
2 and human services is directed and authorized to adopt a tiered set of criteria to be used to determine  
3 eligibility for services. The criteria shall be developed in collaboration with the state's health and  
4 human services departments and, to the extent feasible, any consumer group, advisory board, or  
5 other entity designated for these purposes, and shall encompass eligibility determinations for long-  
6 term-care services in nursing facilities, hospitals, and intermediate-care facilities for persons with  
7 intellectual disabilities, as well as home- and community-based alternatives, and shall provide a  
8 common standard of income eligibility for both institutional and home- and community-based care.  
9 The executive office is authorized to adopt clinical and/or functional criteria for admission to a  
10 nursing facility, hospital, or intermediate-care facility for persons with intellectual disabilities that  
11 are more stringent than those employed for access to home- and community-based services. The  
12 executive office is also authorized to promulgate rules that define the frequency of re-assessments  
13 for services provided for under this section. Levels of care may be applied in accordance with the  
14 following:

15 (1) The executive office shall continue to apply the level-of-care criteria in effect on ~~June~~  
16 ~~30, 2015~~ [April 1, 2021](#), for any recipient determined eligible for and receiving Medicaid-funded  
17 long-term services and supports in a nursing facility, hospital, or intermediate-care facility for  
18 persons with intellectual disabilities on or before that date, unless:

19 (i) The recipient transitions to home- and community-based services because he or she  
20 would no longer meet the level-of-care criteria in effect on ~~June 30, 2015~~ [April 1, 2021](#); or

21 (ii) The recipient chooses home- and community-based services over the nursing facility,  
22 hospital, or intermediate-care facility for persons with intellectual disabilities. For the purposes of  
23 this section, a failed community placement, as defined in regulations promulgated by the executive  
24 office, shall be considered a condition of clinical eligibility for the highest level of care. The  
25 executive office shall confer with the long-term-care ombudsperson with respect to the  
26 determination of a failed placement under the ombudsperson's jurisdiction. Should any Medicaid  
27 recipient eligible for a nursing facility, hospital, or intermediate-care facility for persons with  
28 intellectual disabilities as of ~~June 30, 2015~~ [April 1, 2021](#), receive a determination of a failed  
29 community placement, the recipient shall have access to the highest level of care; furthermore, a  
30 recipient who has experienced a failed community placement shall be transitioned back into his or  
31 her former nursing home, hospital, or intermediate-care facility for persons with intellectual  
32 disabilities whenever possible. Additionally, residents shall only be moved from a nursing home,  
33 hospital, or intermediate-care facility for persons with intellectual disabilities in a manner  
34 consistent with applicable state and federal laws.

1           (2) Any Medicaid recipient eligible for the highest level of care who voluntarily leaves a  
2 nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities shall  
3 not be subject to any wait list for home- and community-based services.

4           (3) No nursing home, hospital, or intermediate-care facility for persons with intellectual  
5 disabilities shall be denied payment for services rendered to a Medicaid recipient on the grounds  
6 that the recipient does not meet level-of-care criteria unless and until the executive office has:

7           (i) Performed an individual assessment of the recipient at issue and provided written notice  
8 to the nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities  
9 that the recipient does not meet level-of-care criteria; and

10          (ii) The recipient has either appealed that level-of-care determination and been  
11 unsuccessful, or any appeal period available to the recipient regarding that level-of-care  
12 determination has expired.

13          (d) The executive office is further authorized to consolidate all home- and community-  
14 based services currently provided pursuant to 42 U.S.C. § 1396n into a single system of home- and  
15 community-based services that include options for consumer direction and shared living. The  
16 resulting single home- and community-based services system shall replace and supersede all 42  
17 U.S.C. § 1396n programs when fully implemented. Notwithstanding the foregoing, the resulting  
18 single program home- and community-based services system shall include the continued funding  
19 of assisted-living services at any assisted-living facility financed by the Rhode Island housing and  
20 mortgage finance corporation prior to January 1, 2006, and shall be in accordance with chapter 66.8  
21 of title 42 as long as assisted-living services are a covered Medicaid benefit.

22          (e) The executive office is authorized to promulgate rules that permit certain optional  
23 services including, but not limited to, homemaker services, home modifications, respite, and  
24 physical therapy evaluations to be offered to persons at risk for Medicaid-funded long-term care  
25 subject to availability of state-appropriated funding for these purposes.

26          (f) To promote the expansion of home- and community-based service capacity, the  
27 executive office is authorized to pursue payment methodology reforms that increase access to  
28 homemaker, personal care (home health aide), assisted living, adult supportive-care homes, and  
29 adult day services, as follows:

30           (1) Development of revised or new Medicaid certification standards that increase access to  
31 service specialization and scheduling accommodations by using payment strategies designed to  
32 achieve specific quality and health outcomes.

33           (2) Development of Medicaid certification standards for state-authorized providers of adult  
34 day services, excluding providers of services authorized under § 40.1-24-1(3), assisted living, and

1 adult supportive care (as defined under chapter 17.24 of title 23) that establish for each, an acuity-  
2 based, tiered service and payment methodology tied to: licensure authority; level of beneficiary  
3 needs; the scope of services and supports provided; and specific quality and outcome measures.

4 The standards for adult day services for persons eligible for Medicaid-funded long-term  
5 services may differ from those who do not meet the clinical/functional criteria set forth in § 40-  
6 8.10-3.

7 (3) As the state's Medicaid program seeks to assist more beneficiaries requiring long-term  
8 services and supports in home- and community-based settings, the demand for home-care workers  
9 has increased, and wages for these workers has not kept pace with neighboring states, leading to  
10 high turnover and vacancy rates in the state's home-care industry, the executive office shall institute  
11 a one-time increase in the base-payment rates for FY 2019, as described below, for home-care  
12 service providers to promote increased access to and an adequate supply of highly trained home-  
13 healthcare professionals, in amount to be determined by the appropriations process, for the purpose  
14 of raising wages for personal care attendants and home health aides to be implemented by such  
15 providers.

16 (i) A prospective base adjustment, effective not later than July 1, 2018, of ten percent  
17 (10%) of the current base rate for home-care providers, home nursing care providers, and hospice  
18 providers contracted with the executive office of health and human services and its subordinate  
19 agencies to deliver Medicaid fee-for-service personal care attendant services.

20 (ii) A prospective base adjustment, effective not later than July 1, 2018, of twenty percent  
21 (20%) of the current base rate for home-care providers, home nursing care providers, and hospice  
22 providers contracted with the executive office of health and human services and its subordinate  
23 agencies to deliver Medicaid fee-for-service skilled nursing and therapeutic services and hospice  
24 care.

25 (iii) Effective upon passage of this section, hospice provider reimbursement, exclusively  
26 for room and board expenses for individuals residing in a skilled nursing facility, shall revert to the  
27 rate methodology in effect on June 30, 2018, and these room and board expenses shall be exempted  
28 from any and all annual rate increases to hospice providers as provided for in this section.

29 (iv) On the first of July in each year, beginning on July 1, 2019, the executive office of  
30 health and human services will initiate an annual inflation increase to the base rate for home-care  
31 providers, home nursing care providers, and hospice providers contracted with the executive office  
32 and its subordinate agencies to deliver Medicaid fee-for-service personal care attendant services,  
33 skilled nursing and therapeutic services and hospice care. The base rate increase shall be a  
34 percentage amount equal to the New England Consumer Price Index card as determined by the

1 United States Department of Labor for medical care and for compliance with all federal and state  
2 laws, regulations, and rules, and all national accreditation program requirements.

3 (g) As the state's Medicaid program seeks to assist more beneficiaries requiring long-term  
4 services and supports in home- and community-based settings, the demand for home-care workers  
5 has increased, and wages for these workers has not kept pace with neighboring states, leading to  
6 high turnover and vacancy rates in the state's home-care industry. To promote increased access to  
7 and an adequate supply of direct-care workers, the executive office shall institute a payment  
8 methodology change, in Medicaid fee-for-service and managed care, for FY 2022, that shall be  
9 passed through directly to the direct-care workers' wages who are employed by home nursing care  
10 and home-care providers licensed by the Rhode Island department of health, as described below:

11 (1) Effective July 1, 2021, increase the existing shift differential modifier by \$0.19 per  
12 fifteen (15) minutes for personal care and combined personal care/homemaker.

13 (i) Employers must pass on one hundred percent (100%) of the shift differential modifier  
14 increase per fifteen-minute (15) unit of service to the CNAs who rendered such services. This  
15 compensation shall be provided in addition to the rate of compensation that the employee was  
16 receiving as of June 30, 2021. For an employee hired after June 30, 2021, the agency shall use not  
17 less than the lowest compensation paid to an employee of similar functions and duties as of June  
18 30, 2021, as the base compensation to which the increase is applied.

19 (ii) Employers must provide to EOHHS an annual compliance statement showing wages  
20 as of June 30, 2021, amounts received from the increases outlined herein, and compliance with this  
21 section by July 1, 2022. EOHHS may adopt any additional necessary regulations and processes to  
22 oversee this subsection.

23 (2) Effective January 1, 2022, establish a new behavioral healthcare enhancement of \$0.39  
24 per fifteen (15) minutes for personal care, combined personal care/homemaker, and homemaker  
25 only for providers who have at least thirty percent (30%) of their direct-care workers (which  
26 includes certified nursing assistants (CNA) and homemakers) certified in behavioral healthcare  
27 training.

28 (i) Employers must pass on one hundred percent (100%) of the behavioral healthcare  
29 enhancement per fifteen (15) minute unit of service rendered by only those CNAs and homemakers  
30 who have completed the thirty (30) hour behavioral health certificate training program offered by  
31 Rhode Island College, or a training program that is prospectively determined to be compliant per  
32 EOHHS, to those CNAs and homemakers. This compensation shall be provided in addition to the  
33 rate of compensation that the employee was receiving as of December 31, 2021. For an employee  
34 hired after December 31, 2021, the agency shall use not less than the lowest compensation paid to

1 an employee of similar functions and duties as of December 31, 2021, as the base compensation to  
2 which the increase is applied.

3 (ii) By January 1, 2023, employers must provide to EOHHS an annual compliance  
4 statement showing wages as of December 31, 2021, amounts received from the increases outlined  
5 herein, and compliance with this section, including which behavioral healthcare training programs  
6 were utilized. EOHHS may adopt any additional necessary regulations and processes to oversee  
7 this subsection.

8 (h) The executive office shall implement a long-term-care-options counseling program to  
9 provide individuals, or their representatives, or both, with long-term-care consultations that shall  
10 include, at a minimum, information about: long-term-care options, sources, and methods of both  
11 public and private payment for long-term-care services and an assessment of an individual's  
12 functional capabilities and opportunities for maximizing independence. Each individual admitted  
13 to, or seeking admission to, a long-term-care facility, regardless of the payment source, shall be  
14 informed by the facility of the availability of the long-term-care-options counseling program and  
15 shall be provided with long-term-care-options consultation if they so request. Each individual who  
16 applies for Medicaid long-term-care services shall be provided with a long-term-care consultation.

17 (i) The executive office shall implement, no later than January 1, 2024, a statewide network  
18 and rate methodology for conflict-free case management for individuals receiving Medicaid-funded  
19 home and community-based services. The executive office shall coordinate implementation with  
20 the state's health and human services departments and divisions authorized to deliver Medicaid-  
21 funded home and community-based service programs, including the department of behavioral  
22 healthcare, developmental disabilities and hospitals; the department of human services; and the  
23 office of healthy aging. It is in the best interest of the Rhode Islanders eligible to receive Medicaid  
24 home and community-based services under this chapter, chapter 40.1, chapter 42 or any other  
25 general laws to provide equitable access to conflict-free case management that shall include person-  
26 centered planning, service arranging and quality monitoring in the amount, duration and scope  
27 required by federal law and regulations. It is necessary to ensure that there is a robust network of  
28 qualified conflict-free case management entities with the capacity to serve all participants on a  
29 statewide basis and in a manner that promotes choice, self-reliance, and community integration.  
30 The executive office, as the designated single state Medicaid authority and agency responsible for  
31 coordinating policy and planning for health and human services under § 42-7.2 et seq., is directed  
32 to establish a statewide conflict-free case management network under the management of the  
33 executive office and to seek any Medicaid waivers, state plan amendments and changes in rules,  
34 regulations and procedures that may be necessary to ensure that recipients of Medicaid home and

1 [community-based services have access to conflict-free case management in a timely manner and in](#)  
2 [accordance with the federal requirements that must be met to preserve financial participation.](#)

3 (j) The executive office is also authorized, subject to availability of appropriation of  
4 funding, and federal, Medicaid-matching funds, to pay for certain services and supports necessary  
5 to transition or divert beneficiaries from institutional or restrictive settings and optimize their health  
6 and safety when receiving care in a home or the community. The secretary is authorized to obtain  
7 any state plan or waiver authorities required to maximize the federal funds available to support  
8 expanded access to home- and community-transition and stabilization services; provided, however,  
9 payments shall not exceed an annual or per-person amount.

10 (k) To ensure persons with long-term-care needs who remain living at home have adequate  
11 resources to deal with housing maintenance and unanticipated housing-related costs, the secretary  
12 is authorized to develop higher resource eligibility limits for persons or obtain any state plan or  
13 waiver authorities necessary to change the financial eligibility criteria for long-term services and  
14 supports to enable beneficiaries receiving home and community waiver services to have the  
15 resources to continue living in their own homes or rental units or other home-based settings.

16 (l) The executive office shall implement, no later than January 1, 2016, the following  
17 home- and community-based service and payment reforms:

18 (1) [Deleted by P.L. 2021, ch. 162, art. 12, § 6.]

19 (2) Adult day services level of need criteria and acuity-based, tiered-payment  
20 methodology; and

21 (3) Payment reforms that encourage home- and community-based providers to provide the  
22 specialized services and accommodations beneficiaries need to avoid or delay institutional care.

23 (m) The secretary is authorized to seek any Medicaid section 1115 waiver or state-plan  
24 amendments and take any administrative actions necessary to ensure timely adoption of any new  
25 or amended rules, regulations, policies, or procedures and any system enhancements or changes,  
26 for which appropriations have been authorized, that are necessary to facilitate implementation of  
27 the requirements of this section by the dates established. The secretary shall reserve the discretion  
28 to exercise the authority established under §§ 42-7.2-5(6)(v) and 42-7.2-6.1, in consultation with  
29 the governor, to meet the legislative directives established herein.

30 SECTION 4. Section 40.1-8.5-8 of the General Laws in Chapter 40 entitled "General  
31 Provisions" is hereby amended to read as follows:

32 **40.1-8.5-8. Certified community behavioral health clinics.**

33 (a) The executive office of health and human services is authorized and directed to submit  
34 to the Secretary of the United States Department of Health and Human Services a state plan

1 amendment for the purposes of establishing Certified Community Behavioral Health Clinics in  
2 accordance with Section 223 of the federal Protecting Access to Medicare Act of 2014.

3 (b) The executive office of health and human services shall amend its Title XIX state plan  
4 pursuant to Title XIX [42 U.S.C. § 1396 et seq.] and Title XXI [42 U.S.C § 1397 et seq.] of the  
5 Social Security Act as necessary to cover all required services for persons with mental health and  
6 substance use disorders at a certified community behavioral health clinic through a ~~daily or~~ monthly  
7 bundled payment methodology that is specific to each organization’s anticipated costs and inclusive  
8 of all required services within Section 223 of the federal Protecting Access to Medicare Act of  
9 2014. Such certified community behavioral health clinics shall adhere to the federal model,  
10 including payment structures and rates.

11 (c) A certified community behavioral health clinic means any licensed behavioral health  
12 organization that meets the federal certification criteria of Section 223 of the Protecting Access to  
13 Medicare Act of 2014. The department of behavioral healthcare, developmental disabilities and  
14 hospitals shall define additional criteria to certify the clinics including, but not limited to the  
15 provision of, these services:

- 16 (1) Outpatient mental health and substance use services;
- 17 (2) Twenty-four (24) hour mobile crisis response and hotline services;
- 18 (3) Screening, assessment, and diagnosis, including risk assessments;
- 19 (4) Person-centered treatment planning;
- 20 (5) Primary care screening and monitoring of key indicators of health risks;
- 21 (6) Targeted case management;
- 22 (7) Psychiatric rehabilitation services;
- 23 (8) Peer support and family supports;
- 24 (9) Medication-assisted treatment;
- 25 (10) Assertive community treatment; and
- 26 (11) Community-based mental health care for military service members and veterans.

27 (d) Subject to the approval from the United States Department of Health and Human  
28 Services’ Centers for Medicare and Medicaid Services, the certified community behavioral health  
29 clinic model pursuant to this chapter, shall be established by ~~July 1, 2023~~ [February 1, 2024](#), and  
30 include any enhanced Medicaid match for required services or populations served.

31 (e) By August 1, 2022, the executive office of health and human services will issue the  
32 appropriate purchasing process and vehicle for organizations who want to participate in the  
33 Certified Community Behavioral Health Clinic model program.

1 (f) ~~By December 1, 2022, the~~ The organizations will submit a detailed cost report  
2 developed by the department of behavioral healthcare, developmental disabilities and hospitals  
3 with approval from the executive office of health and human services, that includes the cost for the  
4 organization to provide the required services.

5 (g) ~~By January 15, 2023, the~~ The department of behavioral healthcare, developmental  
6 disabilities and hospitals, in coordination with the executive office of health and human services,  
7 will prepare an analysis of proposals, determine how many behavioral health clinics can be certified  
8 in FY 2024 and the costs for each one. Funding for the Certified Behavioral Health Clinics will be  
9 included in the FY 2024 budget recommended by the Governor.

10 (h) The executive office of health and human services shall apply for the federal Certified  
11 Community Behavioral Health Clinics Demonstration Program if another round of funding  
12 becomes available.

13 SECTION 5. Rhode Island Medicaid Reform Act of 2008 Resolution.

14 WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode  
15 Island Medicaid Reform Act of 2008”; and

16 WHEREAS, a legislative enactment is required pursuant to Rhode Island General Laws  
17 42-12.4-1, et seq.; and

18 WHEREAS, Rhode Island General Laws section 42-7.2-5(3)(i) provides that the Secretary  
19 of the Executive Office of Health and Human Services (“Executive Office”) is responsible for the  
20 review and coordination of any Medicaid section 1115 demonstration waiver requests and renewals  
21 as well as any initiatives and proposals requiring amendments to the Medicaid state plan or category  
22 II or III changes as described in the demonstration, “with potential to affect the scope, amount, or  
23 duration of publicly-funded health care services, provider payments or reimbursements, or access  
24 to or the availability of benefits and services provided by Rhode Island general and public laws”;  
25 and

26 WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is  
27 fiscally sound and sustainable, the Secretary requests legislative approval of the following  
28 proposals to amend the demonstration; and

29 WHEREAS, implementation of adjustments may require amendments to the Rhode  
30 Island’s Medicaid state plan and/or section 1115 waiver under the terms and conditions of the  
31 demonstration. Further, adoption of new or amended rules, regulations and procedures may also  
32 be required

33 (a) *Cedar Rate Increase*. The Secretary of the Executive Office is authorized to pursue and  
34 implement any waiver amendments, state plan amendments, and/or changes to the applicable

1 department's rules, regulations and procedures required to implement an increase to existing fee-  
2 for-service and managed care rates and an updated code structure for the Cedar Family Centers.

3 (b) *Hospital State Directed Managed Care Payment.* The Secretary of the Executive Office  
4 is hereby authorized and directed to amend its regulations for reimbursement to Medicaid Managed  
5 Care Organizations (MMCO) and authorized to direct MMCO's to make quarterly state directed  
6 payments to hospitals for inpatient and outpatient services in accordance with the payment  
7 methodology contained in the approved CMS preprint for hospital state directed payments.

8 (c) *Hospital Licensing Fee.* The Secretary of the Executive Office is authorized to pursue  
9 and implement any waiver amendments, state plan amendments, and/or changes to the applicable  
10 department's rules, regulations and procedures required to implement a hospital licensing rate,  
11 including but not limited to, a three-tiered hospital licensing rate for non-government owned  
12 hospitals and one rate for government-owned and operated hospitals.

13 Now, therefore, be it

14 RESOLVED, that the General Assembly hereby approves the proposals stated above in the  
15 recitals; and be it further

16 RESOLVED, that the Secretary of the Executive Office of Health and Human Services is  
17 authorized to pursue and implement any waiver amendments, state plan amendment, and/or  
18 changes to the applicable department's rules, regulations and procedures approved herein and as  
19 authorized by 42-12.4; and be it further;

20 RESOLVED, that this Joint Resolution shall take effect on July 1, 2023.

21 SECTION 6. This article shall take effect upon passage, except for Section 5 which shall  
22 take effect as of July 1, 2023.

23

1 **ARTICLE 10**

2 **RELATING TO REPRODUCTIVE HEALTHCARE**

3 SECTION 1. Section 36-12-2.1 of the General Laws in Chapter 36-12 entitled "Insurance  
4 Benefits" is hereby repealed.

5 ~~36-12-2.1. Health insurance benefits—Coverage for abortions excluded.~~

6 ~~(a) The state of Rhode Island shall not include in any health insurance contracts, plans, or~~  
7 ~~policies covering employees, any provision which shall provide coverage for induced abortions~~  
8 ~~(except where the life of the mother would be endangered if the fetus were carried to term, or where~~  
9 ~~the pregnancy resulted from rape or incest). This section shall be applicable to all contracts, plans~~  
10 ~~or policies of:~~

11 ~~(1) All health insurers subject to title 27;~~

12 ~~(2) All group and blanket health insurers subject to title 27;~~

13 ~~(3) All nonprofit hospital, medical, surgical, dental, and health service corporations;~~

14 ~~(4) All health maintenance organizations; and~~

15 ~~(5) Any provision of medical, hospital, surgical, and funeral benefits and of coverage~~  
16 ~~against accidental death or injury when the benefits or coverage are incidental to or part of other~~  
17 ~~insurance authorized by the statutes of this state.~~

18 ~~(b) Provided, however, that the provisions of this section shall not apply to benefits~~  
19 ~~provided under existing collective bargaining agreements entered into prior to June 30, 1982.~~

20 ~~(c) Nothing contained herein shall be construed to pertain to insurance coverage for~~  
21 ~~complications as the result of an abortion.~~

22 SECTION 2. Chapter 42-12.3-3 of the General Laws in Chapter 42-12 entitled "Health  
23 Care for Children and Pregnant Women" is hereby amended to read as follows:

24 **42-12.3-3. Medical assistance expansion for pregnant women/Rite Start.**

25 (a) The secretary of the executive office of health and human services is authorized to  
26 amend its Title XIX state plan pursuant to Title XIX of the Social Security Act to provide Medicaid  
27 coverage and to amend its Title XXI state plan pursuant to Title XXI of the Social Security Act to  
28 provide medical assistance coverage through expanded family income disregards for pregnant  
29 ~~women~~ persons whose family income levels are between one hundred eighty-five percent (185%)  
30 and two hundred fifty percent (250%) of the federal poverty level. The department is further  
31 authorized to promulgate any regulations necessary and in accord with Title XIX [42 U.S.C. § 1396  
32 et seq.] and Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security Act necessary in order to  
33 implement said state plan amendment. The services provided shall be in accord with Title XIX [42  
34 U.S.C. § 1396 et seq.] and Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security Act.

1 (b) The secretary of health and human services is authorized and directed to establish a  
2 payor of last resort program to cover prenatal, delivery and postpartum care. The program shall  
3 cover the cost of maternity care for any ~~woman~~ person who lacks health insurance coverage for  
4 maternity care and who is not eligible for medical assistance under Title XIX [42 U.S.C. § 1396 et  
5 seq.] and Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security Act including, but not limited  
6 to, a noncitizen pregnant ~~woman~~ person lawfully admitted for permanent residence on or after  
7 August 22, 1996, without regard to the availability of federal financial participation, provided such  
8 pregnant ~~woman~~ person satisfies all other eligibility requirements. The secretary shall promulgate  
9 regulations to implement this program. Such regulations shall include specific eligibility criteria;  
10 the scope of services to be covered; procedures for administration and service delivery; referrals  
11 for non-covered services; outreach; and public education. ~~Excluded services under this subsection~~  
12 ~~will include, but not be limited to, induced abortion except in cases of rape or incest or to save the~~  
13 ~~life of the pregnant individual.~~

14 (c) The secretary of health and human services may enter into cooperative agreements with  
15 the department of health and/or other state agencies to provide services to individuals eligible for  
16 services under subsections (a) and (b) above.

17 (d) The following services shall be provided through the program:

- 18 (1) Ante-partum and postpartum care;
- 19 (2) Delivery;
- 20 (3) Cesarean section;
- 21 (4) Newborn hospital care;
- 22 (5) Inpatient transportation from one hospital to another when authorized by a medical  
23 provider; and
- 24 (6) Prescription medications and laboratory tests.

25 (e) The secretary of health and human services shall provide enhanced services, as  
26 appropriate, to pregnant ~~women~~ persons as defined in subsections (a) and (b), as well as to other  
27 pregnant ~~women~~ persons eligible for medical assistance. These services shall include: care  
28 coordination; nutrition and social service counseling; high-risk obstetrical care; childbirth and  
29 parenting preparation programs; smoking cessation programs; outpatient counseling for drug-  
30 alcohol use; interpreter services; mental health services; and home visitation. The provision of  
31 enhanced services is subject to available appropriations. In the event that appropriations are not  
32 adequate for the provision of these services, the executive office has the authority to limit the  
33 amount, scope, and duration of these enhanced services.

1 (f) The executive office of health and human services shall provide for extended family  
2 planning services for up to twenty-four (24) months postpartum. These services shall be available  
3 to ~~women~~ [persons](#) who have been determined eligible for RIte Start or for medical assistance under  
4 Title XIX [42 U.S.C. § 1396 et seq.] or Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security  
5 Act.

6 (g) Effective October 1, 2022, individuals eligible for RIte Start pursuant to this section or  
7 for medical assistance under Title XIX or Title XXI of the Social Security Act while pregnant  
8 (including during a period of retroactive eligibility), are eligible for full Medicaid benefits through  
9 the last day of the month in which their twelve-month (12) postpartum period ends. This benefit  
10 will be provided to eligible Rhode Island residents without regard to the availability of federal  
11 financial participation. The executive office of health and human services is directed to ensure that  
12 federal financial participation is used to the maximum extent allowable to provide coverage  
13 pursuant to this section, and that state-only funds will be used only if federal financial participation  
14 is not available.

15 [\(h\) Any person eligible for services under subsections \(a\) and \(b\) of this section, or](#)  
16 [otherwise eligible for medical assistance under title XIX \[42 U.S.C. 1396 et seq.\] and title XXI \[42](#)  
17 [U.S.C. 1397aa et seq.\] of the Social Security Act, shall also be entitled to services for any](#)  
18 [termination of pregnancy permitted under 23-4.130-2; provided, however, that no federal funds](#)  
19 [shall be used to pay for such services, except as authorized under federal law.](#)

20 SECTION 3: This article shall take effect upon passage.

1 **ARTICLE 11**

2 RELATING TO LEASE AGREEMENTS FOR LEASED OFFICE AND OPERATING  
3 SPACE

4 SECTION 1. This article consists of a Joint Resolution that is submitted pursuant to Rhode  
5 Island General Law § 37-6-2(d) authorizing various lease agreements for office space and operating  
6 space.

7 SECTION 2. *Department of Human Services (31 John Clarke Road, Middletown).*

8 WHEREAS, the Department of Human Services currently occupies approximately 4,400  
9 square feet at 31 John Clarke Road in the Town of Middletown;

10 WHEREAS, the Department of Human Services currently has a current lease agreement,  
11 in full force and effect, with Child and Family Services of Newport County for approximately 4,400  
12 square feet of office space located at 31 John Clarke Road, Middletown;

13 WHEREAS, the existing lease expires on November 30, 2023, and the Department of  
14 Human Services wishes to exercise its option to renew this lease for an additional five (5) year  
15 term;

16 WHEREAS, the State of Rhode Island, acting by and through the Department of Human  
17 Services, attests to the fact that there are no clauses in the lease agreement with Child and Family  
18 Services of Newport County that would interfere with the Department of Human Services lease  
19 agreement or use of the facility;

20 WHEREAS, the leased premises provide a critical location for the offices of the  
21 Department of Human Services from which the agency can fulfill its mission;

22 WHEREAS, the annual base rent in the agreement in the current fiscal year, ending June  
23 30, 2023, is \$88,989.18;

24 WHEREAS, the anticipated annual base rent of the agreement in each of the five (5) years  
25 of the renewal term will not exceed \$97,196.00;

26 WHEREAS, the payment of the annual base rent will be made from funds available to the  
27 Department of Human Services for the payments of rental and lease costs based on annual  
28 appropriations made by the General Assembly; and

29 WHEREAS, the State Properties Committee now respectfully requests the approval of the  
30 General Assembly for the lease agreement between the Department of Human Services and Child  
31 and Family Services of Newport County for leased space located at 31 John Clarke Road,  
32 Middletown; now therefore be it:

1           RESOLVED, that this General Assembly of the State of Rhode Island hereby approves the  
2 lease agreement, for a term not to exceed five (5) years and an aggregate base rent not to exceed  
3 \$485,980.00;

4           RESOLVED, that this Joint Resolution shall take effect upon passage by the General  
5 Assembly;

6           RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly  
7 certified copies of this resolution to the Governor, the Director of the Department of Human  
8 Services, the Director of Administration, the State Budget Officer, and the Chair of the State  
9 Properties Committee.

10           SECTION 3. *Department of Human Services (125 Holden Street, Providence).*

11           WHEREAS, the population who resides in the Greater Providence area and who qualifies  
12 for Department of Human Services programming has a demonstrable need for a second customer  
13 service center in the capital city that is readily accessible to residents and includes adequate parking;

14           WHEREAS, the Department of Administration has conducted of review of its State-owned  
15 inventory of space. Based on this review, the current State-owned building inventory does not  
16 include office space that can accommodate the space requirements of the Department of Human  
17 Services;

18           WHEREAS, it is anticipated that effective January 17, 2023, the Department of Human  
19 Services will enter into a one-year lease for a property located at 125 Holden Street, Providence,  
20 which features a 17,000 square foot office space that meets these requirements, including fifty (50)  
21 parking spaces;

22           WHEREAS, the annual base rent for the first year of the agreement is \$476,000.00;

23           WHEREAS, it is anticipated that the annual base rent of the new lease agreement in each  
24 of the ten years of the term increases annually by the greater of (i) the percentage increase in the  
25 Consumer Price Index (the "CPI") as published in the Bureau of Labor Statistics on December 31  
26 of each lease year or (ii) three percent (3%);

27           WHEREAS, the payment of the annual base rent will be made from funds available to the  
28 Department of Human Services for the payments of rental and lease costs based on annual  
29 appropriations made by the General Assembly;

30           WHEREAS, the State Properties Committee now respectfully requests the approval of the  
31 General Assembly for the lease agreement between the Department of Human Services and 125  
32 Holden St. LLC, for the office space located at 125 Holden St. in the City of Providence, Rhode  
33 Island; now therefore be it:

1           RESOLVED, that this General Assembly of the State of Rhode Island hereby approves the  
2 lease agreement, for a term not to exceed ten (10) years and an aggregate base rent not to exceed  
3 \$5,448,840.00;

4           RESOLVED, that this joint resolution shall take effect upon passage by the General  
5 Assembly;

6           RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly  
7 certified copies of this resolution to the Governor, the Director of the Department of Human  
8 Services, the Director of Administration, the State Budget Officer, and the Chair of the State  
9 Properties Committee.

10           SECTION 4. *Department of Children, Youth and Families (530 Wood Street, Bristol).*

11           WHEREAS, the Department of Children, Youth and Families currently occupies  
12 approximately 15,693 square feet at 530 Wood Street in the Town of Bristol;

13           WHEREAS, the Department of Children, Youth and Families currently has a current lease  
14 agreement, in full force and effect, with WSA Property, Inc. for approximately 15,693 square feet  
15 of office space located at 530 Wood Street, Bristol;

16           WHEREAS, the existing lease expires on July 31, 2023, and the Department of Children,  
17 Youth and Families wishes to exercise its option to renew this lease for an additional five (5) year  
18 term;

19           WHEREAS, the State of Rhode Island, acting by and through the Department of Children,  
20 Youth and Families, attests to the fact that there are no clauses in the lease agreement with WSA  
21 Property, Inc. that would interfere with the Department of Children, Youth and Families lease  
22 agreement or use of the facility;

23           WHEREAS, the leased premises provide a critical location for the offices of the  
24 Department of Children, Youth and Families from which the agency can fulfill its mission;

25           WHEREAS, the annual base rent in the agreement in the current fiscal year, ending June  
26 30, 2023 is \$356,701.80;

27           WHEREAS, the anticipated annual base rent of the agreement in each of the five (5) years  
28 of the renewal term will not exceed \$337,399.50 in years one (1) through three (3) and \$353,092.50  
29 in years four (4) through five (5);

30           WHEREAS, the payment of the annual base rent will be made from funds available to the  
31 Department of Children, Youth and Families for the payments of rental and lease costs based on  
32 annual appropriations made by the General Assembly; and

33           WHEREAS, the State Properties Committee now respectfully requests the approval of the  
34 General Assembly for the lease agreement between the Department of Children, Youth and

1 Families and WSA Property, Inc. for leased space located at 530 Wood Street, Bristol; now  
2 therefore be it:

3 RESOLVED, that this General Assembly of the State of Rhode Island hereby approves the  
4 lease agreement, for a term not to exceed five (5) years and an aggregate base rent not to exceed  
5 \$1,718,383.50;

6 RESOLVED, that this Joint Resolution shall take effect upon passage by the General  
7 Assembly; and be it further

8 RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly  
9 certified copies of this resolution to the Governor, the Director of the Department of Children,  
10 Youth and Families, the Director of Administration, the State Budget Officer, and the Chair of the  
11 State Properties Committee.

12 SECTION 5. *Department of Revenue (2000 Diamond Hill Road, Woonsocket).*

13 WHEREAS, the Department of Revenue currently occupies approximately 4,877 square  
14 feet at 2000 Diamond Hill Road in the City of Woonsocket;

15 WHEREAS, the Department of Revenue currently has a current lease agreement, in full  
16 force and effect, with Woonsocket Mall, LLC for approximately 4,877 square feet of office space  
17 located at 2000 Diamond Hill Road, Woonsocket;

18 WHEREAS, the existing lease expires on November 30, 2023 and the Department of  
19 Revenue wishes to exercise its option to renew this lease for an additional five (5) year term;

20 WHEREAS, the State of Rhode Island, acting by and through the Department of Revenue,  
21 attests to the fact that there are no clauses in the lease agreement with Woonsocket Mall, LLC that  
22 would interfere with the Department of Revenue lease agreement or use of the facility;

23 WHEREAS, the leased premises provide a critical location for the offices of the  
24 Department of Revenue from which the agency can fulfill its mission;

25 WHEREAS, the annual base rent in the agreement in the current fiscal year, ending June  
26 30, 2023 is \$75,770.00;

27 WHEREAS, the anticipated annual base rent of the agreement in each of the five (5) years  
28 of the renewal term will not exceed \$78,519.70;

29 WHEREAS, the payment of the annual base rent will be made from funds available to the  
30 Department of Revenue for the payments of rental and lease costs based on annual appropriations  
31 made by the General Assembly;

32 WHEREAS, the State Properties Committee now respectfully requests the approval of the  
33 General Assembly for the lease agreement between the Department of Revenue and Woonsocket  
34 Mall, LLC for leased space located at 2000 Diamond Hill Road; now therefore be it:

1           RESOLVED, that this General Assembly of the State of Rhode Island hereby approves the  
2 lease agreement, for a term not to exceed five (5) years and an aggregate base rent not to exceed  
3 \$392,598.50;

4           RESOLVED, that this Joint Resolution shall take effect upon passage by the General  
5 Assembly;

6           RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly  
7 certified copies of this resolution to the Governor, the Director of the Department of Revenue, the  
8 Director of Administration, the State Budget Officer, and the Chair of the State Properties  
9 Committee.

10           SECTION 6. *Department of Elementary and Secondary Education (To Be Determined).*

11           WHEREAS, the Department of Elementary and Secondary Education currently occupies  
12 approximately 61,044 square feet of State-owned space in the Shepard Building located at 259  
13 Westminster Street in the City of Providence;

14           WHEREAS, the Department of Administration wishes to surplus the Shepard Building  
15 property and relocate the Department of Elementary and Secondary Education to another suitable  
16 space;

17           WHEREAS, the Department of Administration has conducted a review of its State-owned  
18 inventory of space. Based on this review, the current State-owned building inventory does not  
19 include office space that can accommodate the space requirements of the Department of Elementary  
20 and Secondary Education;

21           WHEREAS, the Department of Administration is currently working with the Department  
22 of Elementary and Secondary Education on the advertisement of a Request for Proposals to lease  
23 approximately 25,000-30,000 square feet of office space and associated parking spaces in the City  
24 of Providence for a term of five (5) years;

25           WHEREAS, the leased premises to be determined will provide a critical location for the  
26 offices of the Department of Elementary and Secondary Education from which the agency can  
27 fulfill its mission;

28           WHEREAS, the anticipated annual base rent of the agreement in each of the five (5) years  
29 of the renewal term will not exceed a commercially reasonable amount determined through a  
30 procurement process;

31           WHEREAS, the payment of the annual base rent will be made from funds available to the  
32 Department of Elementary and Secondary Education for the payments of rental and lease costs  
33 based on annual appropriations made by the General Assembly;

1           WHEREAS, the State Properties Committee now respectfully requests the approval of the  
2 General Assembly for the lease agreement between the Department of Elementary and Secondary  
3 Education and a Landlord to be determined for leased space located at a location to be determined;  
4 now therefore be it:

5           RESOLVED, that this General Assembly of the State of Rhode Island hereby approves the  
6 lease agreement, for a term not to exceed five (5) years and an aggregate base rent not to exceed a  
7 commercially reasonable amount to be determined through a procurement process;

8           RESOLVED, that this Joint Resolution shall take effect upon passage by the General  
9 Assembly;

10          RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly  
11 certified copies of this resolution to the Governor, the Commissioner of the Department of  
12 Elementary and Secondary Education, the Director of Administration, the State Budget Officer,  
13 and the Chair of the State Properties Committee.

14          SECTION 7. This Article shall take effect upon passage.

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**ARTICLE 12**

RELATING TO EFFECTIVE DATE

SECTION 1. This act shall take effect as of July 1, 2023, except as otherwise provided herein.

SECTION 2. This article shall take effect upon passage.

=====  
LC000715  
=====